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User Report

INCENTIVES AND DISINCENTIVES: A REVIEW OF PRISON REMISSION SYSTEMS

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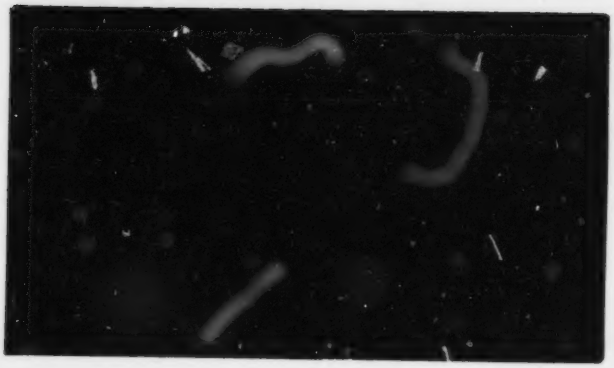

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This working paper is available in French. Ce document de travail est disponible en francais.

EDITORIAL NOTE

This user report represents the first in a series of three studies that pertain to the use of incentive systems with offenders. Its aim is to present an honest, comprehensive, and critical view of incentive based schemes in correctional jurisdictions. In so doing, it avoids euphanism and simplistic answers. Instead, it illustrates the complexity of prison remission systems and suggests that they will never become all things to all people because of their conflicting objectives and unrealistic expectations.

The authors' critical analysis rests firmly on that body of scientific literature known as behaviour modification. A review of the research pertaining to the use of behaviour modification in corrections is in preparation and will follow the current paper as part of this series (Program Branch User Report, 1986-34).

Ross and Barker also draw upon a previously unpublished study (Badovinac, Harvey and Eastman, 1985) that was undertaken by the Research Division of the Ministry of the Solicitor General, in cooperation with the Correctional Service of Canada (CSC), at the request of the Canadian Sentencing Commission. This project consisted of two components, a management opinion survey about the use of earned remission in CSC and a descriptive empirical report

of its historical application in CSC institutions. This study is described in detail in the third paper (Programs Branch User Report No. 1986-35).

Therefore, these reports may be regarded as stand-alone documents or collectively, as a series. In the latter case, the current paper presents a critical analysis of prison-based incentive systems and policices while the two subsequent reports are designed as background reports and may be regarded as technical appendices.

J.S.W.

1986-34 Behavioural modification of the offender: A review and practical guide.
(J.S. Wormith and B. Heald)

1986-35 Earned Remission in Canada: An analysis of historical trends and a survey of management opinions.
(K. Badovinac, M. Harvey, S. Eastman and J.S. Wormith)

EXECUTIVE SUMMARY

This report presents the results of a search and review of the literature on earned remission and other offender incentive schemes. The review was designed to: (1) examine the history of such schemes in order to identify major changes in their purpose, in their legal and policy bases and in the technology of their application; (2) identify and analyze the underlying principles of such schemes; (3) ascertain whether the application of the schemes accords with the principles on which they were based; (4) determine how well the principle and the technology of these schemes accord with the current state of psychological knowledge on behaviour control and behaviour change; (5) examine the results of research on the attitudes of correctional managers, correctional officers and inmates to such schemes; (6) examine the results of research on the efficacy of such schemes in achieving the goals for which they are designed; and (7) determine the policy implications of the research and make recommendations for policy changes or for changes in the nature or the application of such schemes.

The literature search made it clear that, in spite of the importance of remission systems in the management of institutions and in the release of offenders, very little research attention had been devoted to them. There is extensive literature on the subject but it consists primarily of historical material, reports of investigatory committees and descriptions of the technology of specific systems. Conceptual, empirical and theoretical research is conspicuous by its absence.

Remission systems have been in use in almost every correctional institution from the introduction of such systems in the early 19th century to the present. In spite of their longevity, such systems have almost always enjoyed a rather precarious existence. They have been the subject of continual controversy and in most jurisdictions they have undergone frequent alteration and refinement in attempts to respond to a host of changes in the criminal law, in the perceptions of the purpose of correctional institutions and in the attitudes of the public towards crime and criminals. In North America such

systems have taken a bewildering variety of forms and, in spite of the fact that most have been subjected to repeated alterations and refinements, very few jurisdictions believe that their current version, or anyone else's version, is adequate. There is no consensus on how they should be changed or on whether they should be abolished.

A major problem with incentive systems is that the almost endless modifications that have been made in their format over the years have led to confusion as to their fundamental purpose, goals and objectives. From their early beginnings as a means of promoting the reformation of offenders, they have acquired additional purposes, including a means of achieving institutional control, a method for punishing misconduct and a technique for reducing overcrowding.

The rhetoric describing their purpose is not well related to their actual practice. The vast majority of systems, although they are euphemistically referred to as "incentive" systems, are in reality systems of punishment. Many are officially dubbed "earned" remission systems which are supposed to encourage inmates to behave well and to participate in programs by rewarding them with a reduced length of stay in the institution; almost all are actually punishment systems which discourage inmates from engaging in misconduct by the threat of an increased length of stay. It is noted that substantial improvement in remission systems is unlikely to be achieved unless and until realistic goals and objectives are clearly identified for them and their practice is designed to accord with these goals.

Some jurisdictions have stopped referring, euphemistically, to their remission systems as "incentive" systems and have acknowledged that their system is a punishment system just as is the criminal justice system of which it is a part. Other jurisdictions maintain offender reform as the objective of their system and have attempted to increase the probability of achieving this objective by introducing a positive reward system and by integrating their remission system with other aspects of their service, such as offender

assessment and individual program planning, which are supposedly designed to achieve the same objective. Unfortunately, there is no research which would indicate whether either approach to the problem of rationalizing remission systems has led to the success of programs in achieving their objectives. It is also questionable whether those jurisdictions which claim to have introduced a positive reward system have been able to avoid the fate of most positive systems which are quickly distorted by the apparently inescapable influence of the correctional environment, into systems of punishment.

It is difficult to evaluate the effectiveness of remission systems in achieving their goals, in part because their goals are unclear or incompatible and in part because the required research has not been conducted. An examination of the research which has been reported, together with a consideration of the results of the research on punishment and on prison behaviour modification programs, suggests that remission systems may contribute to institutional control by discouraging some inmates from engaging in misconduct.

It is argued that remission systems are unlikely to have much benefit in terms of offender reform or rehabilitation unless (1) they are designed to reward the acquisition of attitudes, values and cognitive and behavioural skills (educational, vocational, interpersonal) which are known to be associated with adequate pro-social adaptation and rehabilitation and (2) they conform to established principles of behavioural change including the contingent and immediate application of reinforcement to specified behaviours. Few remission systems satisfy either of these requirements.

It is suggested that remission systems offer hope for some inmates and may help to discourage some inmates from engaging in misconduct. However, these inmates are probably the ones who need such systems the least — those inmates who are responsive to sanctions, whose behaviour is controlled by their anticipation of its consequences and who are motivated by long-term goals. The reform, or even the control of the considerable number of inmates

who seldom think about the short or the long-term consequences of their behaviour is unlikely to be achieved by simple remission schemes. Such offenders need a much more intensive and elaborate system of rewards and punishments, such as may be provided by some behaviour modification programs. However, such programs are unlikely to be feasible except in small, specialized units.

TABLE OF CONTENTS

		Page
I.	INTRODUCTION	1
II.	PRISON INCENTIVE SYSTEMS: AN HISTORICAL PERSPECTIVE	4
III.	RESEARCH ON PRISON INCENTIVE SYSTEMS	20
IV.	REMISSION, BEHAVIOUR MODIFICATION AND DETERRENCE	34
V.	PUNISHMENT, DETERRENCE AND REFORM	45
VI.	CONCLUSIONS	53

INTRODUCTION

It is the rare correctional institution that does not have some form of incentive system; some program or procedure which enables inmates to obtain, contingent on their behaviour, various privileges, commodities or services or to earn a reduction in the number of days, months or years they must remain in the institution before they are released.

Such schemes have been a cornerstone of correctional institution management since the days of the first prisons. Throughout the years they have given hope which might sustain prisoners faced with a certain but bleak future who might otherwise see little to be gained by conforming to institutional rules. The promise of early release has long been used by prison managers in an attempt to motivate prisoners to engage in prison work or participate in prison programs and to change the attitudes and behaviours which led to their imprisonment in the first place. The forfeiture of credits which prisoners have earned towards early release, or the denial of their right to earn such credits, has also long been used as a method of punishing prisoners for misconduct and sloth.

The concept of early release as a reward for good behaviour while incarcerated has had a long history in Canada. It is a history which has been marked with considerable controversy. In the many decades it has taken for Canada's earned remission system to evolve to its present state, it has been refined, recycled, combined and modified in a variety of ways. Most of the changes in the system have represented attempts to respond to the many attacks which have come from a variety of interest groups including those who view any remission of sentence as an unjustified interference with the sentence of the court, those who decry its automatic nature, those who deplore its utility as either a disciplinary or motivational tool and those who lament its abuse of inmate's rights. Like many other aspects of corrections, it has long been a target of vociferous critics who have been more at odds with each other than with that which they condemn.

Canada's current earned remission system appears to be a rather curious hybrid of discordant philosophies. It seems to lack a clear rationale or purpose. Throughout its history it has been forced to modify its form and its objectives to conform to a myriad of changes in criminal law, in the philosophy, goals and objectives of correctional institutions and in public sentiments towards crime and criminals. It has had to respond to developments in the area of human rights and inmate rights, to the increasing application of the rule of law in correctional institutions and to changing attitudes toward policy, practices and procedures in the area of parole and institutional release. The existence of an earned remission system in Canada has always been precarious, perhaps never so much as at the present time because of the problems of overcrowding, increasing concerns about public safety and anticipated changes in laws related to mandatory supervision and the function and powers of the National Parole Board.

In spite of all the pressures which have been brought to bear on the remission system it remains rather firmly entrenched. Nonetheless, there are many who feel it should be changed or abolished, but it is difficult to find many who would agree on what it should be changed to or replaced with. It is also difficult to find many officials who like the present earned remission system; it it much more difficult to find officials who might agree on the form that such a system should take.

This report presents the results of a review of the literature on earned remission and other offender incentive schemes. The review was designed to: (1) examine the history of such schemes in order to identify major changes in their purpose, in their legal and policy basis and in the technology of their application; (2) identify and analyze the underlying principles of such schemes; (3) ascertain whether the application of the schemes accords with the principles on which they are based; (4) determine how well the principles and the technology of these schemes accord with the current state of psychological knowledge on behavioural control and behaviour change; (5) examine the results of research on the attitudes of correctional managers, correctional officers and

inmates to such schemes; (6) examine the results of research on the efficacy of such schemes in achieving the goals for which they are designed; and (7) on the basis of the foregoing, to ascertain the advantages and disadvantages of such schemes, to determine the policy implications of the research and make recommendations for policy changes or for changes in the nature or application of such schemes.

The review was based on the results of a search of the literature made available through the computerized bibliographic retrieval services of the Solicitor General's library and on materials obtained through a comprehensive study conducted by the correctional research group of the Solicitor General's Progams Branch which examined the attitudes of senior correctional personnel to Canada's Earned Remission system.

At the outset, we must note that the literature on offender incentive systems is impressive only in its quantity. It is a literature which is replete with rhetoric and virtually devoid of substance. It is a literature in which objective or empirical research has rarely made an appearance or had an impact. Nevertheless, there is much to be learned from examining the literature particularly in terms of assessing the degree to which the basic principles of prison incentive systems have been continually compromised by the many alterations in their practice over the years — changes which have led to the development of systems which seem to have little hope of achieving their goals, either because they have no clear goals or because they have too many goals or because they have several which conflict with each other.

Our review focuses on the earned remission system in Canadian penitentiaries, but our review of the literature indicates that our comments apply to many other correctional jurisdictions. Canada is not alone in experiencing problems with remission. To some extent, problems with remission are endemic to corrections. There is something about the correctional environment which can destroy or corrupt the best ideas.

II

PRISON INCENTIVE SYSTEMS: AN HISTORICAL PERSPECTIVE

The roots of remission extend far back in the history of corrections and are closely aligned with the evolution of offender reformation as an objective of sentencing. With the emergence of offender rehabilitation as a goal of corrections, the reduction of the offender's length of incarceration contingent on his behaviour came to be viewed as a practical incentive for engendering offender change.

As we shall see, over the years prison remission has come to acquire responsibilities beyond that of an incentive for offender rehabilitation. It has come to be used as a means of institutional control, as a system to punish and deter prison misconduct, as a method to increase program participation and the productivity of prison industry and as a method of reducing prison overcrowding. Remission systems in most modern correctional jurisdictions are designed to serve so many purposes that their actual purpose has become obfuscated.

The history of incentive systems in corrections is also a history of tinkering. Time and again, alterations have been made in the technology of incentive systems, in their appearance and in their logistics, as correctional managers, political investigating committees and legislators have attempted to fine-tune an instrument which is expected to play the tune of all the goals and objectives that have been assigned to it. Unfortunately (or fortunately, depending upon one's perspective), the instrument has with increasing frequency been associated with rather unpleasant sounds. Many would suggest it should no longer be played because it no longer has the ability to please its varied audiences.

The Beginnings

Remission apparently began in the late sixteenth century and continued in one form or another into the twentieth century. Holland began the

practice in 1597; England adopted a similar system in 1785; Spain developed one in 1804; the United States experimented with remission in 1817; Switzerland in 1825; and France followed suit in 1827.[1] Although remission was to become an increasingly popular practice among these countries, in its developmental stages little effort was made towards its systematic application within the prison system. Its unfolding from the first tentative experiments into a practical system was largely attributable to three individuals: Montesinos, Maconochie and Crofton. These men shared a common philosophy; they subscribed to the thesis that prison was not just a place to contain offenders or to punish them, it was a place to modify their attitudes and behaviour. Since it was considered that inmates would like nothing better than early release from imprisonment, remission was conceived as a powerful incentive in the hands of its keepers. It could be used as a reward for good conduct and diligent work habits in prison, thus promoting inmate reform. Based on these admirable sentiments and on its potential benefits for offender rehabilitation, the three reformers were granted leave to experiment with remission. However, penal authorities quickly realized that the system held great potential for other purposes. The most important of which was promoting prison discipline.

It was not until 1835, with the revolutionary work of Colonel Manuel Montesinos y Molina in the Valence prison in Italy, that the foundations of a formal remission system were laid. His master plan consisted of a four-staged progressive system through which prisoners could progress as a function of the amount of trust they earned. Through industry and demonstrable changes in attitude and behaviour, an inmate could graduate from a thoroughly miserable existence in the first stage to a relatively pleasant one in the last stage. The final stage consisted of "intermediate release" which, in many ways, was a precursor to modern-day temporary absence programs. Montesinos believed that the reformation of a criminal could only be brought about by requiring him to pass successive tests of confidence and by stringent work conditions. The reward for good conduct could amount to remission of his sentence by one-third.

An incentive system based on hard work and good conduct also figured prominently in the reforms introduced by Captain Alexander Maconochie in 1840 in the penal settlement of Norfolk Island. On arrival at the prison colony, Maconochie was shocked by the deplorable condition of the convicts.

> The gallows stood permanently ready as a visible reminder to unhappy wretches of the fate that might soon be theirs; for years at a time men worked and ate and slept in irons; the lash and the cat-o'-nine tails were in habitual use, and the gag, solitary confinement, and the pepper mill were constantly employed as punishments calculated to subjugate creatures made sub-human by deliberate policy. . . .[2]

Maconochie attributed the convict's state to the "slavery to which they were reduced" which led him to "think of the expedient of marks as a form of wages, by which the state of slavery might be obviated, and still the act of punishment was not lost".[3] Punishment, he claimed, should be constructive, with "the immediate and direct object in every case the reform of the criminal".[4] He created a "Mark System" which rested on four main principles:

> Instead of a time-sentence it inflicts a labour sentence, thus setting the convicts to earn back their freedom by the sweat of their brow; it teaches self-denial, by enabling them to purchase a speedier termination to their slavery by the social qualities, and makes the prisoners themselves coadjutors in the preservation of discipline, by giving them an interest in each other's good behaviour; and lastly, it prepares them for restoration to society, by gradually relaxing the restraints on their conduct and training their powers of self-governance.[5]

Maconochie divided convict sentences into three distinct stages from which a prisoner could progress from a Spartan existence to a more pleasant one. In each stage, inmates could earn up to ten marks per day for performing specific work-related tasks. Daily rations and extra privileges were purchased with these marks. More important, for every ten marks saved, a convict could shorten his sentence by one day. Any violation of rules, however,

was penalized by a deduction of points and thus an inmate's conduct could have a direct bearing on the specific length of his incarceration. When the requisite number of points had been accumulated, prisoners were granted a "ticket-of-leave" which enabled them to live and work wherever they chose in Australia under prescribed conditions. Interestingly, of the 1,450 convicts discharged under Maconochie's system, only three percent of this number were later known to be reconvicted.[6]

In 1854, Sir Walter Crofton, head of the Irish prison system, refined and elaborated both the Mark System and the ticket-of-leave program. Under Crofton's "Progressive Irish System", inmates were required to work their way through five main stages, from complete isolation and considerable deprivation to progressively greater amounts of freedom and privileges. Remission was an important component of this system. Inmates could earn up to a maximum of one-quarter time off their sentence as a function of their work habits and general conduct during imprisonment. Ultimately, they could be granted a ticket-of-leave which enabled them to live in the community under the supervision of the local police.[7]

The contributions of Montesinos, Maconochie and Crofton presaged modern systems of parole, indeterminate sentencing and remission. The work of these pioneers reflected a slowly growing movement away from imprisonment only as a means of punishment and towards a new sentencing objective of offender rehabilitation. They created an innovative and practical penal system based on flexibility in sentences. The elements of reform were seen to be the progressive advancement of inmates towards freedom through hard work and good conduct. The system was made understandable to inmates by informing them from the outset about available incentives and how they could be earned. Each inmate was made responsible for his own well-being and sentence length, thus facilitating a self-rehabilitation process.

Remission: The Canadian Experience

It was not until shortly after Confederation that Canada would adopt a remission system. Prior to that time, convicts were released early from custody only if they were granted the Royal Prerogative of Mercy by the Governor General.[8] This type of release was unconditional and was granted for humanitarian reasons. Canada's earliest remission system took the form of granting merit or demerit points to inmates, depending on their attitude and behaviour in prison.

Section 62 of the 1868 Penitentiary Act specifically instructed the directors of penitentiaries to establish formal record-keeping procedures for the purpose of determining the eligibility of each inmate for remission. Inmates who displayed positive attitudes, cooperative behaviour and industrious work habits could earn up to five days off their sentence each month. Half that amount was still available to prisoners who earned merit points for good conduct but were unable to work. At this point in time, remission was used solely as a reward that was to be earned by inmates. The prison warden already had at his disposal a range of punishments by which he sought to maintain prison discipline. Disobedience, an insolent attitude, idleness, assault, or riotous behaviour could be controlled by way of such punishments as whipping, flogging, reduced diet and short or long-term confinement in isolation cells. The warden possessed almost unlimited discretion in the means he chose to reward the pliable and punish the recalcitrant.

The 1883 amendments to the Penitentiary Act made the remission system become somewhat more generous in terms of the amount of remission that could be allotted each month to exemplary inmates. It also became more complicated. It was now to be a "progressive system" whereby inmates could earn 7.5 days per month remission after they had first accumulated a minimum of 30 days remission at the original rate of 5 days per month. The authorities felt that by increasing the number of days inmates could earn, they had found a way not only to increase the incentive but also to decrease the size of rising prison populations.

From Good Time To Bad Time

It was also at this point that the notion of using remission as more than just a reward first crept into the policies of the Canadian Penitentiary Service. The new law specifically stipulated that certain offences would entail the complete and irrevocable forfeiture of all remission earned by an inmate prior to his violation of the rules. These punishable offences included escapes or attempted escapes, vandalism and assaults on penitentiary staff.[9] Remission was no longer simply a positive inducement for good behaviour, it now contained strong elements of punishment. It was to be used by prison officials as a disciplinary tool to control extreme cases of disobedience and misconduct.

Further changes were introduced into the system in 1906. The amount of remission that could be earned by prisoners each month was increased to 10 days, after 72 days had been accumulated at the initial rate. Given this new formula, inmates became eligible for remission of almost a quarter of their sentence. Moreover, breach of parole became punishable by permanent forfeiture of any remission earned. Thus, for the first time, rewards earned through good behaviour could be lost by subsequent poor behaviour.

The first major modification of the remission system had introduced punishment as an integral component (loss of remission for institutional misconduct); the 1906 modifications strengthened and extended the punishment component by extending the loss of remission to post-institutional misconduct. In fact, remission no longer was only an incentive system designed to motivate prisoners to reform while they were in the institution. It was to be used as a means of controlling the offenders (through punishment) both while they were in prison and after they had left the prison and were living in the community. The remission system had come to take on much more responsibility.

Archambault

Canada's remission system continued with only minor or cosmetic changes until it came under critical scrutiny by the Archambault Commission in

1938. The Commission was highly critical of the remission system not in terms of its principles but in terms of its application. Specifically, the commissioners disagreed with five of its regulations: (1) remission could only be earned after an initial six-month probationary period; (2) remission was calculated on the basis of consecutive sentences thus involving a repetition of the six-month waiting period; (3) it could be forfeited permanently after a serious offence; (4) it could only be earned on working days; and (5) infirm inmates were ineligible for remission.[10] The Commission recommended that these "mean and vexatious" regulations be entirely eliminated from the system and that the rules of application be greatly simplified. At the same time, it was suggested that inmates be kept up-to-date about regulations governing remission procedures and informed on a regular basis as to the number of days they had earned.

Fauteux

The Fauteux Committee, appointed in 1956 to inquire into the "Principles and Procedures followed in the Remission Service", addressed other problems. They objected, for example, to the practice of forfeiting all earned remission as the result of a breach of parole because of the lack of relationship between the earning of remission in prison in the first place and the later misconduct of the paroled inmate in the community. However, because they felt this penalty had a strong deterrent effect, they felt that it should be enforced at the discretion of the National Parole Board (formed in 1959). Furthermore, they made note of the "anomalies and inequities" rampant in the methods used to compute remission. These methods apparently varied from province to province as well as from institution to institution. It was recommended that a more uniform system be created.[11]

More important, for the first time, the ability of the remission system to promote good behaviour and attitudes was seriously questioned. The Fauteux Committee pointed out that inmates were supposed to earn remission; remission was supposed to be an incentive system not just a punishment or a deterrence system. Prisoners were supposed to be credited on a monthly basis

after a review of each individual's performance. In actual practice, what was happening was that inmates were being awarded the maximum amount they were entitled to immediately upon admission to an institution and deductions were then made from this total for every violation. The automatic crediting of remission precluded any notion of promoting good conduct and work habits since inmates were fully aware of the fact that little effort was required on their part to gain this "reward" aside from refraining from any obvious violations. Those who gained early release via the remission system, therefore, had not necessarily been reformed. Thus, the Committee recommended that inmates be placed under some sort of supervision in the community for a period corresponding to the time earned by way of remission. It was more than ten years later, however, that mandatory supervision was introduced.

From Carrot to Cudgel

In response to the Archambault and Fauteux Reports and other criticisms, a major change occurred in 1961.[12] Two forms of remission were established: Statutory Remission and Earned Remission. The former was credited upon admission. It was equal to one quarter of the inmate's sentence. Statutory Remission could be forfeited if the inmate committed an offense during imprisonment or if he was later found guilty of a breach of parole. In effect, regardless of the rhetoric with which its introduction was heralded, Statutory Remission comprised a formal system of punishment. It was designed to act as a deterrent; controlling prisoners through loss of days of remission for misconduct. Prisoners were automatically entitled to the full amount of Statutory Remission; they did not acquire it in "the old-fashioned way" — they did not earn it. Statutory Remission was contingent not on good behaviour, but on the absence of bad behaviour.

Earned Remission, in contrast, could not be forfeited by poor behaviour; it could only be gained by good behaviour. It was conceived to be a true incentive system. It was designed to encourage good behaviour, industrious work habits and program participation by rewarding these with remission at the rate of three days a month.

These measures were established primarily in order to correct the existing discrepancies between the application of remission and parole. Only the number of days of Statutory Remission accumulated by inmates was applicable to the parole period. Given the two forms of remission, exemplary inmates were now entitled to a third time off their sentence. Moreover, forfeited Statutory Remission could be restored at the discretion of the Commissioner.

Enter Mandatory Supervision

The possibility that inmates, many of whom might be dangerous to society, could be released unconditionally into the community long before they had served the sentence imposed by the court, had long concerned correctional authorities and correctional critics, to say nothing of the public. The remission system had developed to the point that almost all inmates could be released long before expiry of their sentence, regardless of their criminal history or their apparent propensity to engage in further criminal activity. In spite of all the fine-tuning of the remission system which had taken place over the years, it was still the case that offenders could be released into the community simply because they had behaved well (or not behaved badly) while imprisoned. Unlike those who were released on parole, inmates released early through statutory and earned remission were released unconditionally, without supervision and, presumably, without control.

These and other concerns led to a change in the Parole Act in 1970 based on the recommendations of the Ouimet Committee.[13] All inmates released early due to statutory and/or earned remission of more than 60 days now came under the supervision of the National Parole Board. The Board set the conditions under which an offender must abide in the community during this "mandatory supervision" period. If these conditions were not met by the offender, his release period could be suspended or revoked.

Mandatory supervision was immediately denounced by inmates and others who lamented the loss of what had come to be viewed as a fundamental

right: a right, under Statutory Remission, to unconditional release into the free community based on their prison behaviour. No longer did offenders obtain "freedom"; now they only obtained the privilege of serving the remainder of their sentence on the street under the control of correctional authorities and subject to their wishes. With the introduction of mandatory supervision, whatever incentive statutory remission provided prisoners for refraining from engaging in institutional misconduct was reduced in strength.

The introduction of mandatory supervision was, of course, enthusiastically supported in many quarters primarily because it was perceived as a way of enhancing control over inmates who had obtained early release but who posed some possible threat to the community. Moreover, it provided a mechanism whereby offenders who perhaps ought not have been released into the community in the first place, but had to be under condition of remission, could be returned to prison. Thus, mandatory supervision, it could be argued, allowed correctional authorities to control a system (statutory remission) which had come to control those who had hoped to use it to control prisoners!

A shortcoming of the new system was the perceived incompatibility of remission and mandatory supervision. Remisssion was supposed to be an incentive or a reward, but it was accompanied by mandatory supervision which was viewed, by the inmates, as a penalty. The controversy about mandatory supervision added fuel to the movement to get rid of the remission system altogether. Remission became even more vulnerable than it had always been since its inception. Statutory remission was criticized because of its "automatic" nature and its use strictly as a disciplinary tool. Earned remission was criticized because it was not really "earned" and, therefore, had no real value as an incentive to promote good behaviour and attitudes. For these reasons, the Hugesson Task Force in 1972 recommended the abolition of remission and proposed, instead, the creation of an obligatory period of supervision in the community which would be equivalent to the last one-third of an inmate's sentence.[14] The remission system was also the subject of a Senate investigation and Goldenberg, in his 1974 report, called for a period of

"minimum parole" for the last third of an inmate's sentence. Finally, the Law Reform Commission expressed its disapproval of the fact that remission had slowly been transformed into a means of control over all of the inmate's activities, including program participation. In 1976, the Commission declared that since remission no longer met its original objective of reformation, it should be withdrawn from the penal system. Reformation of inmates could be brought about, instead, through the use of special rehabilitation programs in the prison.[15] The Commission argued that a "well-adapted" program should be incentive enough to encourage inmates to participate and that using remission as a coercive tool in this respect was not only ineffective but possibly contrary to the rehabilitation process.

Remission Today

Eventually, legislators arrived at a compromise but, as will become evident, a less than happy one. In 1978, the combined statutory and earned remission system was replaced with an "Earned Remission" system which has, by and large, survived to this day. Once the system was implemented, a new philosophy was needed to define it and then rationalize it. The new Earned Remission scheme purports to encourage inmates not only to comply with institutional rules but also to apply themselves industriously in programs. Inmates can reduce their sentence by a third if they successfully "earn" the maximum of 15 days remission each month. Ten of these 15 days of remission are awarded on the basis of diligent program participation and the remaining five days are awarded for good conduct.[16]

Early release was now supposed to be "truly earned"; automatic crediting of remission was, at least in theory, expunged from the system. Unfortunately, the practice really did not change much since inmates are, in effect, credited with their full possible entitlement of remission on admission and then lose days, rather than earn them, by their subsequent behaviour. What was supposed to be a carrot quickly became a cudgel.

Each inmate's performance is assessed monthly in order to determine the amount of remission they have earned. Inmates may, on request, obtain quarterly notification of the cumulative total of remission earned and the number of days still to be served. Inmates in "punitive dissociation" (because of institutional offences) are only eligible to earn a maximum of five days per month since they cannot participate in programs. Those in "administrative dissociation" (segregated for the "good order of the penitentiary") are still permitted to earn the maximum remission of 15 days, as are infirm inmates. Lifers are ineligible to earn remission. Inmates who have been granted day parole and who reside in Community Correctional or Residential Centres continue to earn remission under the same rules as the general prison population. On the whole, most inmates receive all of their remission in a typical month and those who do not, acquire most of it.[17]

Inmates may receive "performance notices" from staff members which indicate whether their behaviour, on a particular day, rates as "excellent" or as "unsatisfactory". An inmate who has a number of "excellent" performance notices to his credit may be a candidate for extra privileges, such as the following: (1) upgrading in pay level; (2) change in work or training program; (3) transfer to reduced security; (4) Escorted or Unescorted Temporary Absence.[18]

The accumulation of performance notices indicating unsatisfactory behaviour or inadequate program participation, on the other hand, will have direct repercussions for an inmate. One such performance notice may result in the loss of one day's remission. For each conviction for a minor institutional offence, an inmate may be docked two days' remission. Conviction for a serious institutional offence may result in the loss of or "failure to earn" up to 15 days remission for the month in which the offence took place.

An inmate who commits a serious institutional offence may also forfeit any or all of the remission credits he has earned. Forfeiture of more than 30 days requires the approval of the Deputy Commissioner of the region

while a loss of more than 90 days necessitates the approbation of the Minister. It must be emphasized that, under the present system, remission, once forfeited, can never be restored. The more remission lost by an inmate, the further away is his date of release from imprisonment.

An Earned Remission Board, composed of senior-level CSC employees, is responsible for reviewing cases of "unsatisfactory" performance each month. They make the decision as to how many days remission an inmate will "fail to earn" as a consequence of his disciplinary infraction(s). Inmates are notified of any forfeiture of their remission and are entitled to request a review of their case. A final decision is made by the Warden.

As we have indicated, the path leading to the development of the present Earned Remission system in Canada has been circuitous. Since its early beginnings, the system has "progressed" from a simple incentive scheme designed to encourage offender reform to an oftentimes complicated and burdensome system designed to achieve many often conflicting goals. It has undergone almost continual change, not only in its structure but in its mission and, as we shall see later, even in its most recently refined form it is still in jeopardy.

It should not be thought that the foregoing is peculiar to Canada. It is not. In every correctional jurisdiction whose incentive systems we examined, we observed a history of continual change, of poorly conceptualized or articulated goals and a long history of controversy. We gained the impression that, in most jurisdictions, incentive systems have been modified much more than has been the behaviour of the inmates these systems have been designed to influence.

"Good Time" in the United States

As early as 1817, the state of New York introduced a "good time" law which allowed for the reduction of inmates' sentences by one quarter if

they demonstrated good conduct and work habits in prison. By 1900, almost every state had adopted some form of good time system.[19] Today, in forty or so states which provide an early release mechanism for inmates, there are wide variations in the definition, administration and application of good time statutes. In states with determinate sentencing structures, good time credits earned by inmates can be used directly to shorten the term of the presumptive sentence. Under indeterminate sentencing structures, good time credits can be used to shorten the term of the maximum sentence.[20] Depending on the particular state, the accumulation of good time credits can reduce an inmate's sentence by one-third to one-half (e.g., Illinois); sometimes even more (e.g., Alabama awards 2.5 days good time for every one day served).[21]

It is not our purpose to delve into the complexities involved in the wide variety of good time practices in the United States. That would be a task which would daunt even the most zealous American researcher. However, it is interesting to examine the different types of incentive systems in existence and how remission can be acquired by U.S. inmates. Almost every state, for instance, rewards inmates who conform to prison rules and regulations with either "statutory good time", "good time" or "gain time". Generally, the first two types can be forfeited for misbehaviour whereas "gain time" cannot. To specifically reward program participation and work, many states award inmates with credits such as "work time", "meritorious good time" or "industrial good time". Some states also award inmates with "extraordinary good time" if they should display exceptional personal achievement, give blood, serve as experimental medical subjects or save the life of a staff member or another inmate.[22] In Connecticut, such behaviour can provide a prison imate with an additional 120 days reduction of his sentence.[23] Connecticut also provides "jail credit good time" to inmates who have displayed good conduct in jail prior to being sentenced. It is important to note that most states allow inmates to earn back any good time they previously had forfeited for misconduct.

In the U.S., particularly in recent years, many incentive systems have become remarkably generous in the amount of good time credits that they

accord "deserving" inmates. This increasing generosity does not reflect an increasing interest in incentive systems to foster rehabilitation but an increasing tendency to use incentive systems for another purpose: decreasing overcrowding.

One major change which has occurred almost universally in U.S. incentive systems is to use "good time" as a system of punishment as opposed to a system of reward. It has been aptly noted that the term "good time" is a misnomer for these systems because they function less to rehabilitate and more to control and discipline inmates; less to encourage good behaviour than to discourage poor behaviour.

> Most inmates would agree that there is no such thing as "good time" in prison. Hard times, probably. Too much time, almost surely. Nevertheless, "good time" is the term generally used to identify the diverse and often complex statutory schemes used to reduce the time which a convicted person must spend in prison.[24]

Most of the "good time" systems of the United States are exceedingly complex. Some are so complex as to be almost incomprehensible; many are so complex that they create considerable confusion for many inmates and may seriously detract from the stability of the prison environment because they reduce its predictability. Among the states, and even within some states, there is marked variation in the prison incentive systems particularly with respect to the amount of remission that is granted, the behaviours which remission is contingent upon and the method by which remission is calculated, awarded or forfeited.

As in Canada, incentive systems in the U.S. throughout their history have been subjected to continual change and have been the subject of considerable controversy. Most systems have evolved as an outcome of attempts to patch up an earlier version that was found to be fraught with problems. There are two notable exceptions which we will discuss in greater detail later but, by and large, the current system in place in most states is a

complex patchwork of refinements upon refinements of former systems which ran into difficulty. As in Canada, with each refinement, not only did the technology of the systems change, but their underlying purpose shifted and their objectives became less clear-cut. Ironically, in spite of the apparent failure of incentive systems to satisfy their many critics, few states have opted to drop them; in fact, in most instances as a system has come under attack and been subjected to committee investigation, the system, rather than being scrapped, has been refined and given responsibility for more purposes.

Year after year, countless correctional jurisdictions have searched for the right formula; none appears to have succeeded. Remission systems always seem to be in jeopardy. One might wonder whether their precarious position, the continual criticism that they are subjected to and the continuing refinements that are made to them indicates that there is something fundamentally wrong with the basic concept of an incentive system in a prison. We will address this question in subsequent sections of this report. First we shall examine what the results of research on prison incentive systems tell us about such systems. Then we shall examine research on related systems which purport to influence criminal behaviour: behaviour modification and punishment or deterrence programs.

RESEARCH ON PRISON INCENTIVE SYSTEMS

At the outset we must note that, given the profound importance of earned remission in the management of institutions and in the release of offenders into the community, it is both surprising and disconcerting that so little conceptual, theoretical or research attention has been devoted to the issue. There has, of course, been extensive research on behaviour modification in prisons and we shall discuss that research later. However, it is important to distinguish, as we shall, between sophisticated behaviour modification programs (such as token economies) which are based on applied learning theory and traditional prison incentive systems which are generally based on common-sensical notions of the effects of rewards and punishments.

Behaviour modification programs are characterized (or at least should be) by close contingencies between specified and clearly defined behaviours and rewards. In contrast, in prison incentive systems the targetted behaviours are seldom specifically delineated and defined and the contingency between behaviour and rewards is often quite remote. The two are, of course, not incompatible and, in fact, many programs which are really only simple incentive systems are referred to as behaviour modification programs (we think inappropriately) and sometimes a behaviour modification program has been introduced into a prison to serve as that prison's incentive or remission system.[25] We prefer to discuss the two separately because we wish to maintain what we consider to be the important distinction between the two in terms of their precision, the rigor with which they are employed and their technological, administrative complexity. There is, as we will note, much to be gained for the individual interested in prison incentive systems from examining the research on behaviour modification in corrections.

EFFECTIVENESS OF PRISON INCENTIVE SYSTEMS

Perhaps the most notable shortcoming in research on prison incentive systems is the absence of evaluation of the efficacy of earned

remission systems in achieving the various goals they are supposed to serve. The value of such systems simply cannot be assessed from the research currently available.

Rehabilitation

There is, for example, an almost complete dearth of empirical research which would enable us to determine whether remission systems, whatever their nature, have, or can have, much impact on offender rehabilitation. Evidence of a positive relationship between institutional behaviour and recidivism has been touted as proof that incentive systems, which are presumed to encourage good institutional behaviour, actually decrease recidivism. It provides no such proof. The fact that offenders who behave well in prisons are more likely than those who behave poorly in prisons to adjust well after release does not mean that the incentive system engendered a change in the offender's prison behaviour;[26, 27] offenders who do well after they leave prison may simply be those who would behave well in prison whether or not there was an incentive system. Our research revealed no study which compared post-institutional behaviour of offenders who had been in an institution with incentive programs with those from prisons without such programs. Such studies would be required to justify the attribution of rehabilitative power to prison remission systems. At present, that attribution can be based only on conjecture. We shall return to this issue later because there is some evidence from the behaviour modification literature and the social psychology literature which would suggest that persuading inmates to behave well in an institution through the use of a reward system may, under some circumstances, lead to an <u>increase</u> in their recidivism.

Control

Not only is there a dearth of research on the relationship between incentive systems and recidivism or other measures of post-institutional adjustment, there also is little empirical evidence that these systems actually

have benefits in terms of institutional control. The requisite research on the successs of prison incentive systems in achieving two of its most fundamental objectives, reform and control, has yet to be conducted. The efficacy of prison incentive systems has yet to be established.

There is, of course, an abundance of anecdotal reports which provide testimony to the effect that the introduction of an incentive system was followed by a reduction in institutional misconduct. However, in no case has it been determined whether the introduction of the incentive system's rules for reporting prisoners' behaviour changed the behaviour of prisoners or only the behaviour of the correctional officers in reporting misconduct. The reliability of the correctional officer's reports of institutional behaviour and the reliability of their performance in awarding credits or demerits according to the stated requirements of the system is highly questionable. The behaviour of the correctional staff has been called the Achilles Heel of prison incentive systems.[28] Moreover, major reservations must be expressed about the adequacy of measures of institutional misconduct in penitentiary settings[29] and about the relationship between performance on a prison incentive scheme and actual institutional behaviour.[30]

Overcrowding

Finally, in considering the efficacy of incentive systems we must report that we found no convincing evidence that incentive systems actually do achieve their other major goal: reducing overcrowding. It would seem reasonable to assert that allowing a prisoner remission of his sentence by as much as one third enables correctional management to shorten the potential length of incarceration of all of the eligible prisoners and thus move the population more quickly through the prison experience. However, it must also be recognized that the incentive system actually establishes rules governing the length of a prisoner's stay (and return) and, thus, compromises the correctional manager's ability to predict and control when the prisoner can be released. Moreover, it transfers some of that control to other individuals whom he often

has little power to control: prisoners and prison guards. Nor can we be sure that the reduction of the prison stay made possible by remission systems is not compensated (or overcompensated) for by judges in determining sentence lengths in the first place.[31]

Another way to evaluate the effectiveness of a system is to compare it with an alternative one. Canada's present ER system replaced the former remission system in 1978 because it was felt to be a new and improved model. A 1985 survey compared the proportions of aggregate sentence served by inmates released on mandatory supervision from 1972 to 1977 (the old system) with the proportions of aggregate sentence served by inmates released on MS from 1979 to 1982 (the present system). The results indicated that there is a sharp increase in the number of inmates serving over 80% of their aggregate sentence in prison from 1979 on.[32] In other words, since the adoption of the current ER system, inmates are serving longer periods of time in prison before their eventual release on MS. In particular, inmates serving two-year sentences under the present system are spending a significantly larger proportion of their sentence in prison than were comparable inmates under the statutory remission system (71% and 67%, respectively).

There are a number of possible reasons for this change including the possibility of a change in the characteristics of the prisoners committed in recent years (more prisoners with psychiatric problems, more violent offenders, more prisoners with chronic behaviour problems) and the possibility that significant characteristics of the penitentiary have changed over the years (e.g., the availability of drugs). Moreover, under the former remission system an inmate could earn back his/her forfeited remission, but such is not the case under the current ER system. Inmates in minimum security institutions also receive a large number of unsatisfactory performance notices which, perhaps, accounts for the fact that they now serve a greater proportion of their sentence in prison.[33] The performance notice system was not in existence under the old remission system. Whatever the reasons, the finding that prisoners are spending a greater proportion of their sentence in confinement may indicate that

improving the system of early release has not helped it to achieve its goal of reducing overcrowding.

Although there is little persuasive research evidence that incentive systems actually achieve the goals of encouraging reform, promoting institutional control or reducing overcrowding, we must report that there is no shortage of evidence that demonstrates that such systems do succeed in promoting the perception that they help correctional personnel to control the behaviour of prisoners.[34,35,36] One must not underestimate the importance of the staff's perception that they have control. The attitude of the staff (and the prisoners) about the value of the incentive system may be just as important as the actual value of the system.[37]

PERSPECTIVES ON REMISSION

One of the most comprehensive studies on the attitudes of prison personnel to an incentive system is a survey which was conducted recently by the Research Division of the Secretariat of the Solicitor General of Canada.[38] We do not intend to discuss this research in detail since we would hope that the report of that study would be considered in tandem with the present report. However, several findings of the research will be considered here since they have considerable relevance to the major observations from our review of the literature and to the policy implications which we feel are suggested by the literature.

Management Opinions

The 1985 study surveyed the opinions of senior personnel of the Correctional Service of Canada with regard to Canada's present earned remission system. The survey was extensive in scope. It included a written questionnaire and interviews with 52 representatives of a cross-section of security level institutions in the five regions. Respondents included Wardens, Earned Remission Chairpersons, Regional Managers of Offender Programs and

Security and National Headquarters staff. The survey probed their opinions with regard to the purposes, effectiveness and problems of Canada's ER system. It also solicited their suggestions for possible alternatives to the present system. A wide range of opinions was found but we will focus on those areas in which some significant consensus appeared.

Objectives of Remission

The respondents cited ten fairly distinct purposes of the ER system. This result indicates that there is, indeed, confusion as to what exactly is the goal of the remission system. The most frequently cited purpose of remission was the "administrative control" of inmates (23.1%). However, it was also reported that the system was designed for the purpose of providing an "incentive" to inmates for good behaviour (18.7%), a "reward" (17.6%) for good behaviour and as a sign of offender reform. Other objectives were also ascribed to the system, including its use as an "early release mechanism" (10.9%), a "punishment for disciplinary infractions" (8.8%), a "corrective tool" to instill good work ethics (8.8%) and as a means of holding inmates "accountable/responsible" for their behaviour (8.8%). A small number referred to it as a "monitoring device" of inmate performance in work and programs, or as a means of allowing for "staff input" in the evaluation of inmate behaviour. Interestingly, only 1.1% of the respondents mentioned that the purpose of remission was for "population control" of inmates.

Effectiveness

When asked to indicate their perceptions of the effectiveness of the present ER system, 79% of the respondents expressed negative views about the overall success of the system in achieving its aims, 14% were satisfied with its operation and 7% were neutral.

Institutional Control

The respondents rated seven major functions of the system in terms of their effectiveness. Specifically, they tended to agree that remission was "very" or at least "slightly" successful in terms of (1) reinforcing prison discipline; (2) deterring misconduct and unemployment; and (3) punishing misconduct and unemployment.

Differential Effectiveness

It should be noted that respondents from minimum security institutions were more likely than those from medium or maximum security institutions to report that remission was a useful tool to encourage exceptional inmate behaviour. In fact, not one respondent from a maximum security institution made a positive statement regarding the effectiveness of the remission system in general.

One must always bear in mind that an incentive system may have markedly different success with different types of prisoners. It might be of little value in the case of offenders, such as many of those in maximum security settings who have a history of serious or frequent behaviour problems and give little thought to the possible consequences of their behaviour. On the other hand, it might have considerable value for those who do not have a history of behaviour problems and are more responsive to sanctions. In fact, it may be that incentive systems are most valuable for those who need them the least.

Differences in the effectiveness (at least the perceived effectiveness) of ER between maximum and minimum security settings may also reflect the fact that the potentially motivating values of reducing a prisoner's length of stay may be vastly different for those serving long sentences than for other prisoners. As some inmates have put it, the inmate serving a short sentence (e.g., 3 years) who can get 1/3 of it reduced can see himself as serving a relatively short sentence (2 years), but the inmate serving a

long sentence (e.g., 21 years), even if he gets a greater number of years "off" (7), is still serving a long sentence (14 years). As the managers indicated, the ER system has no value for those serving mandatory terms or life (they are not eligible).

Population Density

Ironically, although only 1.1% of management personnel thought that a purpose of the ER system was to control the size of the prison population and thus prevent overcrowding, they tended to agree that it was "very" or at least "slightly" successful in achieving that goal.

Reform & Rehabilitation

Although 18.7% of the managers viewed it as an "incentive" for good behaviour and 17.6% as a "reward" for good behaviour, they did not think it was "effective" in achieving the goal of inmate reform. In fact, they seemed to feel that it was "very" or "slightly" ineffective in (1) encouraging exceptional behaviour and (2) encouraging program participation.

In short, in the opinion of correctional managers, the actual operation of the remission system has little or nothing to do with its espoused purpose as an instrument for reform: it serves primarily as a means of control and it does so with little success with those who need control the most.

Reward or punishment?

The managers indicated that the ER system operates in a manner that is in direct contrast to its purpose as an "incentive" or "reward" to inmates; it is a system of loss for negative conduct rather than a gain for positive conduct. Their observations accord well with one of the most common observations in the literature: prison incentive systems are incentive systems

in name only; in reality they are "disincentive" systems or, to put it less euphemistically, they are systems of punishment.

The managers also noted a large number of other problems with the operation of the ER system which we will return to later. However, it must be stressed that, in spite of their misgivings about many aspects of the system, correctional managers of Canada's penitentiaries appear to share the attitudes of those in most other jurisdictions: the objectives of the remission system may not be clear, its effectiveness may be less than satisfactory and its operation may be fraught with problems, but the system should not be abolished, nor should it be overhauled and/or replaced by an alternative system.

Correctional Officers' Opinions

Unfortunately, no comprehensive survey has yet been conducted to determine the viewpoint of correctional staff on remission in Canadian penitentiaries. This is a serious gap given the fact that, by virtue of their position and duties, they could provide considerable insight into the functioning and effectiveness of our remission system. The only adequate, though limited, Canadian information available in this regard is contained in the 1981 Solicitor General's Study of Conditional Release.[39] A more in-depth study took place in New York state in 1982[40] and, because of the similarity between their "good time" system and our Earned Remission system, we will discuss some of their relevant findings.

It appears that Canadian penitentiary staff think that the purpose of remission is to provide a "positive incentive" to inmates to engage in above-average behaviour and to participate in programs. At least one might assume that this is their view judging from the fact that their main complaint is that the remission system, as it currently exists, achieves no such thing. The staff claimed that remission has no noticeable effect on inmate conduct. They attribute the limitations of remission in this respect to the fact that there are too few resources available and just too many difficulties involved in rating

each inmate properly. They also feel that the mandatory supervision requirement of remission seriously detracts from the benefits inmates might believe they derive from remission. New York correctional employees also reported that their system does not provide sufficient incentive to encourage inmates to participate in educational and vocational activities.

However, many Canadian penitentiary staff indicated that remission did serve one useful purpose: punishment. They felt that the loss of remission was a deterrent to inmate misconduct and failure to work. New York guards also described "good time" as a valuable disciplinary tool to maintain order. They felt that the threat of loss of good time to inmates serves as an effective deterrent to misbehaviour.

It is important to note that, although correctional officers in Canadian penitentiaries appreciated the value of remission as a means of discouraging disciplinary infractions, many of those who worked closely with the inmates confided that they were reluctant to hand out "unsatisfactory" performance notices because their use jeopardized the guards' future relations with inmates. Rather than antagonizing inmates by being instrumental in forfeiting remission, the Canadian staff suggested that they should be given authority to extend more immediate incentives for good behaviour, such as Temporary Absences, pay and visiting privileges.

Prisoners' Perspective

It is the inmates who are the ones most directly affected by a prison incentive system, yet there has not been one attempt to poll their opinions of its purpose, its operation or its effectiveness. A little information is available in the 1981 Solicitor General's Study of Conditional Release, the 1981 Mandatory Supervision report and the New York 1982 survey. When these pieces of information are pooled, we can obtain some idea of how prisoners feel about such systems.

Inmates and staff appear to concur in depreciating the "incentive" value of remission as it is currently used in institutions. They do not feel that remission as a "reward" has any power to motivate them to exceptional behaviour or program participation. This is particularly the case for those inmates with good parole prospects and those serving life sentences. Even though remission is seldom used as a positive reinforcer for good behaviour, inmates, at least those studied in New York, think that this should be its purpose. They account for the deficiency of the system as an incentive in the following way:

> . . . an inmate who spends his day sweeping floors, playing cards, and lifting weights will get the same credit in New York as the inmate who gets his bachelor's degree, serves on the inmate grievance committee, becomes an active member of a volunteer organization, and handles a responsible job. . . .[41]

What these inmates are referring to is the fact that they receive the maximum amount of remission they are entitled to automatically upon admission to prison. They lose part of this "good time" only if they violate prison rules. The remission system does not inspire them to over-extend themselves in vocational or educational training programs for self-improvement.

In the prisoners' view, remission or "good time" is used almost exclusively as a disciplinary tool. In this regard, the inmates' main complaint is that no firm guidelines exist with regard to how much time will be forfeited for a particular offence. According to the New York inmates, the dearth of such standards causes considerable disparity between and within institutions in the amount of "good time" forfeited from inmates.

There is information available on the opinions of Canadian inmates on earned remission in relation to mandatory supervision. Not surprisingly, an overwhelming majority of inmates call for the abolition of MS and a return to the pre-1970 remission system which entailed direct discharge of an inmate into the community at the two-thirds date.[42] They resent the MS program because

they view remission as "time-off" their sentence which they have "earned" by virtue of their behaviour in the institution. They question why they must spend this earned "time-off" under supervision in the community. The surveyed inmates indicated that the price of MS considerably devalues the motivating effect of earned remission in prison.[43] To avoid being placed under MS with its stringent conditions, some inmates actually refuse to be released early and opt to serve their full sentence.[44] In spite of their misgivings about this, however, virtually all of the inmates surveyed favoured the retention of remission.[45]

In summary, the limited research which is available indicates that there are major problems with earned remisson systems: their objectives are not clear, their effectiveness in achieving these objectives is either limited or has not been determined except on an impressionistic basis and there are many who feel that its practice is unrelated to its touted purpose. Nevertheless, management, correctional staff and inmates all have a vested interest in some form of remission system whether it is a means of control or simply, from the inmates' perspective, early release.

EFFICIENCY OF INCENTIVE SYSTEMS

In the foregoing sections we have indicated major misgivings about the effectiveness of remission systems. A system is unlikely to be effective if it is not efficient. The available research indicates that the shortcomings of such systems in their effectiveness is matched by shortcomings in their efficiency. The efficiency of a system is largely an administrative question: Does the system function smoothly? Is it uniform in its application? Are the resources of the system used in an optimal manner? Is the system reliable? Is it predictable? Do clear objectives and guidelines exist? Are those guidelines and objectives followed in practice?

We have already partially answered the last question (in the negative). It is unlikely that a system can function efficiently if its operators are not clear as to its objectives. An inadequate articulation of the objectives

of the systems characterize each of the systems we examined in North America. We can also generalize with confidence about the lack of uniform or clearly stated strategies for awarding or forfeiting remission credits or debits and a lack of control over these activities. The result is considerable disparity among institutions, within institutions and even among officers working in the same cell-block. In the 1985 study in Canada, sizable differences were found in the amount of remission awarded inmates depending on the region involved and the security level of an institution. As well, the average number of performance notices issued each month to inmates varied tremendously between the institutions in each region.

Does this mean that, on the whole, some regions, some institutions, or some officers are too lenient and others are too harsh on inmates? There simply is not enough information available to enable us to make such a judgment; we do not know what in fact is an acceptable level of performance notices. Accordingly, it is difficult to provide anything other than arbitrary guidelines to staff so that we can ensure that they are assessing the offenders in their care consistently and nondiscriminatively compared to staff in other institutions or in other sections of the same institution. Staff frequently do not know whether or why they should penalize prisoners for particular behaviours:

> I have trouble justifying keeping inmates in for piddling misdemeanors, especially given the costs involved and the lack of room in prisons.
>
> The 30 days taken away for not making one's bed for the month are equated with the 30 days taken away for inciting a riot. It's just not logical.[46]

Correctional staff who are given the responsibility to make reports on the prisoners' behaviour often do not know, and often never find out, what the consequences their reports have in terms of loss or gain in remission:

> Staff are often unaware of the number of unsatisfactory PNs or charges an inmate has received in a given month and of the penalty to the inmate as a

> result of the accumulated reports. If they had this knowledge, consistency in the application of the ER system as well as staff-inmate relationships would be greatly improved.[47]

One of the criticisms of the ER system voiced by many correctional managers is that remission is earned too easily. It would be helpful if we could point to some data sources which would enable us to assess the veridicality of their criticism but, although there is a fair amount of data on the number of days of remission lost in different Canadian prisons and English prisons,[48] there are no data which would enable us to determine whether what they earn is too little or too much or if it is obtained too easily. What is required in this regard is not arbitrary national or regional quotas of "failure to earn", but basic information from research in which the amount of remission earned is related to measures of the objectives of the system (institutional misconduct, recidivism, population size, etc.). Such research does not appear to have been conducted.

On the whole, about all that one can conclude from the available research is that prison incentive systems, including Canada's ER system, are applied inconsistently and the circumstances and criteria for relating remission to actual behaviour have not been established or followed. The lack of clear guidelines and possible inconsistency in the enforcement of institutional violations means that, even as a punishment, no clear or consistent messages are being conveyed to prisoners. As we shall indicate in the next section, without consistency in their application, systems designed to control or change behaviour are likely to be ineffective and possibly detrimental.

IV

REMISSION, BEHAVIOUR MODIFICATION AND DETERRENCE

Frequently, those who extol the value of prison incentive or remission systems refer to research on behaviour modification in corrections as empirical support of their claims of the value of prison incentive systems. They should not for two reasons: (1) most incentive systems cannot qualify as behaviour modification programs; and (2) research on the efficacy of behaviour modification programs in prisons provides little support for the potential benefits of prison incentive systems.

Remission Systems As Behaviour Modification

Earlier in this report we noted that there are very few incentive programs which could qualify as behaviour modification programs. There are very few which conform to the basic principles of learning theory; principles which have been established through decades of laboratory and applied research on the process of learning in human and animal subjects. The success of behaviour modification programs depends in large measure on the degree to which the program rewards (frequently, consistently and quickly) clearly specified behaviours using rewards which are actually valued by the participants. Programs which conform to such requirements can have powerful effects on behaviour.[49] Prison incentive systems seldom operationalize these principles; they target global behaviour categories (e.g., "good conduct", "satisfactory performance"). Moreover, they typically indicate what not to do in order to avoid losing remission credits but not what to do to earn credits. Correctional staff are seldom instructed as to what behaviours, or what standards of behaviour, constitute adequate performance.

It is a well established behavioural principle that the longer a reward is delayed, the less effective it is. In most prison incentive systems, the inmate does not learn that he has earned remission credits until long after the behaviour which earned it has occurred; since rewards reinforce the behaviour they follow, the behaviours which are reinforced may be totally

different from the ones the program targets. In behaviour modification programs (e.g., token economies), the temporal gap between behaviour and its reward is bridged by some concrete act or object which signifies that a reward will be forthcoming. Seldom is that done in prison incentive systems.

Reward loses its ability to strengthen the desired behaviour if the person is rewarded whether or not he performs the desired behaviour. Typically, in prison incentive programs, inmates obtain "good conduct credits" automatically on entering the institution; there is little notion of the inmate earning remission by performing specified activities. In effect, prison incentive schemes cannot claim to be anything more than very superficial or crude behaviour modification programs. The prison is no Skinner Box.

There is one other way in which the vast majority of prison incentive programs differ from behaviour modification programs: their excessive, sometimes exclusive use of punishment rather than reward as a means of influencing behaviour. Seldom do inmates earn remission by their good behaviour, rather they lose remission by disciplinary infractions. The euphemism "failure to earn" is often used to characterize the latter measure, but few are fooled by the term. In practice, most remission systems have nothing to do with teaching pro-social behaviour by the application of the principles of reinforcement and everything to do with suppressing anti-social behaviour by the application of punishment. Programs or systems which do not apply the principles of behaviour modification are hardly likely to achieve the potential benefits of behaviour modification.

Behavioural Technology For Remission Systems

As we noted earlier, behaviour modification can have powerful effects if, and only if, it is applied properly. Improving prison incentive systems so that they actually become behaviour modification programs would require more clearly defining the behaviours they wish to modify, improving the reliability of observations of the occurrence of these behaviours and

establishing clear contingencies between the occurrence of these behaviours and their rewards. They would have to ensure that the offender is reinforced consistently and immediately when he displays such behaviour. In order to do so, they would have to employ a secondary immediate reinforcer such as some kind of token or credit note which signifies that he is entitled to the actual reward which he will receive later. Regrettably, such secondary reinforcers are seldom used in modern incentive systems even though, as early as 1840, Maconochie used them in the penal colony on Norfolk Island. Convicts were awarded "marks" each day on the basis of good conduct and work productivity. These marks could be used to purchase basic necessities or extra privileges. Moreover, for every ten marks saved, a prisoner could reduce his sentence by one day. Maconochie recognized the importance of providing his charges with tangible and immediate rewards for desirable behaviour. Crofton, in 1845, based his "point system" on similar principles. It was not enough to simply guarantee an early release on the basis of good behaviour. More immediate rewards were needed, particularly in the case of offenders serving long-term sentences. Under Canada's current system, there are actually few rewards available for good behaviour. At most, inmates can receive an "excellent" performance notice but this holds little value for it cannot necessarily be exchanged for a more meaningful reinforcement.

A first step which would be required to make remission systems, including Canada's, conform reasonably well to behavioural principles would be to abolish automatic crediting of remission and make the system truly earned. In other words, inmates would <u>earn</u> remission contingent upon displaying good behaviour, constructive program participation and productivity at work. At the same time, they would receive some form of notification that they had earned remission soon after their behaviour rather than waiting to be told, at the end of the month, if some of their remission had been <u>forfeited</u> for poor performance.

Another refinement which would be considered is to increase the number and variety of rewards which can be dispensed contingent on the

inmates' behaviour. Reliance on only one reward, such as early release, would not enable a behavioural program to control very many behaviours. Moreover, because many inmates think only of the present and are unaffected by future events, many view the immediate rewards obtained from violating prison rules (e.g., drugs, alcohol, excitement) as more satisfying in the short-term than the less proximate (and sometimes uncertain) benefits of early release. Remission may simply not be tangible enough as a reinforcer for many inmates. However, the behaviour modifier working in a prison often has difficulty finding enough reinforcers of sufficient potency for his task. A correctional environment has a limited number of rewards available. Accordingly, many behaviour modifiers have arranged that various commodities and services normally provided in the prison become available contingent on the inmate's behaviour. However, this usually requires the introduction of deprivations the offender ordinarily expects not to have to sustain. Prison behavioural programs must also compete with the inmate-controlled system of dispensing rewards (not an enviable task).[50]

(L)earned Remission

A remission system which seeks to have some benefit in terms of offender reform and rehabilitation and wishes to apply behavioural principles in so doing would not only have to utilize the technological procedures but would have to do one more thing: it would have to use the technology not only to reward behaviours which would ensure the good order of the institution, but also to teach behaviours which would help the inmates to make a pro-social adjustment after release.[51]

An example of a remission system which has attempted to do this is the Earned Time System (ETS) in Georgia. Georgia's system is a performance-based correctional management model which is designed to maximize an inmate's opportunity for successful reintegration into the community through a "self-rehabilitation" process:

> Under the Earned Time System, inmates are viewed neither through the traditional medical model as

> subjects to be "cured", nor through a strictly punitive model as inherently "bad" criminals to be punished. Rather, they are viewed as individuals who have not acquired the basic, interpersonal skills necessary to function successfully in the community.[52]

Upon entering the Georgia penal system, inmates are initially processed at a diagnostic centre where they receive orientation training to the corrections system in general and to the ETS specifically. They are given an inmate handbook as well as an ETS comic book which graphically describes the ETS concept and rules. The inmate then undergoes a battery of psychological and vocational tests, as well as medical processing. A representative of the Department of Labour interviews him regarding his past skills and training for various jobs. Finally, the inmate discusses with a staff member about whether or not he would like to participate in the ETS. If the inmate decides not to take part in the program, he is informed that this means he will not be entitled to earn time off his sentence nor to obtain institutional privileges.

After this orientation process has been completed, the inmate is assigned to a prison where his Case Manager reviews the ETS procedures again. If the inmate assents to take part in the program, then he works closely with the Case Manager in drawing up a Performance Plan based on the inmate's assessed needs and personal objectives. This Plan delineates to the inmate and to staff members the type of activities and programs the inmate has agreed to participate in for his personal development, as determined in the initial diagnostic interviews. It also includes specific performance criteria so that inmates are made fully aware of what they must do in order to complete a work detail or an academic or vocational training program. The criteria are made as concrete and objective as possible so as to also provide correctional staff with firm guidelines on how to evaluate the inmate's performance.[53]

Throughout the program, the inmate receives feedback on his progress with his "tailor-made Performance Plan". He is informed that in each activity he is engaged in which relates to his identified needs, his performance will be assessed. It is also made clear to him that unless he receives an

excellent or an unsatisfactory notice for a particular period of time, his performance will have been rated as satisfactory. Should his behaviour be rated as "excellent" or "unsatisfactory" in a particular activity, his supervisor will issue him a Performance Notice. At the end of each month, the Activity Supervisor reviews his credits and the accumulation of these notices, determines the status of the inmate on the whole and informs the inmate. If the inmate warrants an excellent "Performance Exception Report" then he is rewarded with a privilege slip which can be used as a medium of exchange for commodities or less tangible privileges such as an extra family visit. In contrast, an inmate whose performance is judged as unsatisfactory (e.g., non-productive) is penalized by a time-out period; he is removed from an earning status for sentence remission. After a specified period of time, however, the inmate is reinstated and continues to fulfill his Performance Plan.

Under the Earned Time System (ETS), inmates, other than "habituals", can obtain one day off the end of their sentence for each day of satisfactory performance. In total, this could amount to a potential 50% reduction of an inmate's sentence through the accumulation of earned time credits. Furthermore, inmates are considered for parole after they have served "satisfactorily" one-third of their sentence. Inmates with three or more felony convictions are entitled to earn credits at a lesser rate of one day off their sentence for every two days satisfactorily served.[54]

The Earned Time System is based on the premise that, as the inmate gradually completes each component of his contract, he will be acquiring new skills and attitudes, whether they be vocational, educational or interpersonal. Because this program from the outset fully depends on the inmate's consent and cooperation, it becomes a process of "self-rehabilitation". At the same time, staff members are given full input into the system, thus giving them a stake in its success.

The notion of incorporating some aspects of the Georgia Earned Time System into Canada's remission system has some interesting possibilities.

It would bring back a truly "earned" component and give more credence to remission as an "incentive" or a means of reform without sacrificing institutional control.

The Case Management system in Canadian penitentiaries already provides some aspects of the Georgia system: "Needs Analysis Profiles" and "Individual Program Planning".[55] However, they are not integrated with Canada's earned remission system. The Needs Analysis Profile identifies the personal needs of the inmate (e.g., educational, vocational, personal/family/social relations, leisure time activities). The Profile and Individual Program Plan are similar to Georgia's Performance Plan except that, in Canada, the Plan is not part of a binding contract as it is in Georgia. Inmates are not required to meet the conditions specified in the Individual Program Plan in order to earn remission. Georgia inmates have a choice as to whether or not they wish to participate in the ETS, but their entitlement to earn time off their sentence rests on this decision.

Performance Notices are also used in Canada's ER system to indicate to an inmate whether his behaviour is "unsatisfactory" or "excellent". There are few guidelines available to staff, however, as to when these notices should be issued. While inmates are aware that the accumulation of a number of unsatisfactory performance notices may result in the forfeiture of some remission, the rewards to be reaped for excellent behaviour are less obvious. In any case, "excellent" performance notices are rarely handed out.[56] This could be because inmates realize that they do not have to earn remission; instead, they have to refrain from violating too many prison rules. In Georgia, excellent behaviour is frequently rewarded with a "privilege slip" which constitutes currency exchangeable for commodities and special privileges and remission.

Canadian institutions do provide programs to assist inmates in developing skills and overcoming problems; however, the present remission system provides little incentive for inmates to voluntarily participate in these activities and to take advantage of the opportunities provided. Remission is

essentially credited automatically to an inmate upon admission to prison and then forfeited for misbehaviour. "Failure to earn" remission only occurs in the event of disciplinary infractions, serious offences, or absenteeism at work. Canadian inmates have come to see remission as their right and become indignant when some of it is taken away. Under an ETS system, remission would be a privilege that must be earned on a day to day basis.

Although the ETS system has some obvious merit in terms of actually being an incentive system rather than a punishment system and does provide a technology for motivating inmates to engage in activities which might contribute to their rehabilitation, it is not without shortcomings. ETS is not as mechanical or automatic as Canada's system and administratively it is more complicated and time-consuming. It requires more resources, person-hours and paperwork. Moreover, it would be difficult to attract inmates if remission was not used as the main incentive and a change in law would be required to disqualify inmates who chose not to participate in the program from earning remission.

An alternative, which avoids the legal problems of making remission contingent on program participation and the ethical problems of appearing to coerce offenders into taking advantage of the "opportunities" provided to them, is to link extra privileges to participation in these programs. Thereby, inmates would be more inclined to learn a vocational or educational skill or overcome personal problems (e.g., alcoholism, illiteracy).[57,58,59,60,61] The Needs Analysis Profile and Individual Program Planning documents could be used to assess each inmate's personal needs and abilities. Objective performance criteria could be set up as a guideline to correctional staff. Contingent upon their completing each specified component of a "performance plan", credit could be obtained for exchange at the commissary for personal items or for special privileges such as extra visits. "Excellent" performance notices could be issued for perfect attendance records in the program(s), good grades, or completion of set tasks. These notices could earn an eligible inmate even more valuable items or special privileges. The accumulation of credits for good

behaviour, program participation and productivity at work would all be added to an inmate's record and given serious consideration by the Parole Board in their decision as to granting parole.

Unfortunately, the refinements required to introduce behavioural technology to incentive systems demand major improvements in the methods of observing, reporting and recording each offender's behaviour; improvements which place heavy, often too heavy demands on correctional officers to be vigilant in their observations and conscientious and reliable in recording them. The logistical and administrative requirements can create major headaches for guards, supervisors and administrators. The literature on correctional behaviour modification presents a litany of problems in establishing and operating such programs particularly in terms of the insufficient availability of staff and their limited time, opportunity, or motivation to record all or even a substantial number of the behaviours they are supposed to reinforce.[62,63,64] Behaviour modifiers have often found that they had to rely on people who perceive their jobs as security and custody rather than behaviour change, who were loath to substitute their personal methods of controlling prisoners for a mechanical system and who could not or would not be trained to adopt positive reinforcement strategies.[65] Prison behaviour modification programs, particularly token economies, are by no means easy to implement or maintain without substantial increases in resources, primarily personnel. They also require the establishment of substantial, often complex logistical procedures that demand too much of large or medium sized institutions. Many prisons have difficulty managing simple incentive systems let alone complex behavioural programs.

Efficacy of Behaviour Modification in Prisons

There is another reason to hesitate recommending that prison remission systems be refined into behaviour modification programs: they may not work! There has been extensive research on the efficacy of correctional behaviour modification programs. The bulk of this research has been conducted

on community-based programs, particularly those with juvenile offenders.[66] Many of these programs have achieved remarkable success in decreasing recidivism.[67] In the case of institutional programs, the matter is far more complex. In general, it has been found that behaviour modification (token economies) may be effective in maintaining institutional discipline, but only if the program emphasizes positive reinforcement for pro-social behaviour rather than punishment for anti-social behaviour.[68]

Behaviour modification programs in prison, like prison "incentive" programs, tend to rely on punishment even though they are touted as positive, reward or incentive programs. The label "behaviour modification" has been applied to many programs which are exclusively punitive. The label has at times been a euphemism for tyranny.[69] Programs of systematized, contingent punishments which focus on negative behaviours may actually increase the incidence of institutional misconduct.[70]

The efficacy of institutional behaviour modification on post-institutional behaviour and recidivism is doubtful. There is very little evidence that even sophisticated highly positive programs which focus on using such programs to reward good behaviour in the institution have had positive effects on post-institutional behaviour; some have led to substantial improvement in institutional behaviour but have increased recidivism.[71]

To the extent that incentive programs adhere to behavioural principles involving the application of positive reinforcement to strengthen pro-social behaviours, they may be a highly effective means of improving institutional adjustment. However, they may not have any significant rehabilitative value. In fact, they may have a negative value. In light of these results, one must seriously question whether prison incentive systems which lack the technological sophistication and rigor of behaviour modification programs can expect to achieve their goal of offender reform.

There is one major exception to the general conclusions we have presented about the efficacy of correctional behaviour modification programs.

There are some token economy and contingent management programs which have had impressive results both in terms of institutional management and rehabilitation. They differ from most correctional behaviour programs and prison incentive programs in at least one important way: they are skills-building programs, not just control programs; they target specific behavioural skills (academic, vocational, social) which are known to be required for successful pro-social adjustment.[72,73,74]

Conclusion

Whereas a token economy system might improve the control of prisoners, the benefits it might achieve in this regard may be outweighed by its management costs, particularly in large institutions. Moreover, it simply may not be necessary to provide such a complex system in most institutions; sufficient control of most inmates may be achieved by a simpler incentive scheme. Behaviour modification systems, provided they are positive and conform to the ethical guidelines which have been established for them, may be most valuable in controlling (not necessarily reforming) those inmates who are not responsive to simple codes of behaviour and they may be feasible only in smaller units where such inmates tend to be housed.

PUNISHMENT, DETERRENCE AND REFORM

Many of the reports in the literature bemoan the fact that an incentive system is really a punishment system. It is a wolf in sheep's clothing: it does not reward "good time" for good behaviour but rather reduces "good time" for rule violation. Handbooks issued to inmates upon admission to prison typically spell out quite explicitly all the behaviours considered to be disciplinary infractions. Some provide a list of how many days remission an inmate can expect to lose if he commits a particular offence. None provide a similar list of good behaviours except in the most global terms, such as "satisfactory performance and conduct" — terms which are taken to mean "no misconduct". Almost all promise the offender that he will lose remission by misconduct. Although they couch this message in the rhetoric of "earning" remission, most systems are not incentive systems but "disincentive" or punishment systems.

(Dis)incentive Systems

Some jurisdictions, recognizing that in their "incentive" systems there was little notion of inmates actually "earning" time off their sentence, have decided to make their laws reflect what actually occurred in practice. In Indiana, for example, "good time" was changed to "credit time" and a new formula was created to determine the presumed date of the inmate's release under parole supervision.[75] Credit time is linked to the absence of bad behaviour as opposed to good time which was supposed to be "earned" by inmates through good behaviour and program participation. Indiana's credit time system no longer purports to "reform" inmates but rather to "control" them by discouraging misbehaviour. Clarifying the actual purpose of the system enabled Indiana to improve the strength of its system.

There are three classes of credit time in the Indiana system. Initially, all inmates are placed in Class I where they can acquire fifty percent reduction of their sentence if they do not violate prison rules (e.g., one day off

their sentence for each day served). Inmates may, however, be reassigned to the lower earning category of Class II due to a number of disciplinary violations. In Class II they are entitled to only 33% reduction of their sentence. Finally, if they continue to misbehave in prison, they are removed to Class III where they are ineligible to acquire any diminution of their sentence. Reassignment to the latter two classes only occurs after a hearing before a disciplinary committee where an inmate can make an appeal. The inmate is permitted to return to a higher earning class if he does not misbehave for a period of time.[76]

Inmates in Canadian penitentiaries do not in reality "earn" remission for exemplary behaviour; instead, they receive it automatically each month unless they misbehave and then it becomes a matter of "failure to earn". If Canada changed the name of its system to "credit time" for no misbehaviour, then we would finally be bringing principle into line with our current practices. The three class categories of Indiana's system would be easy to incorporate into our remission system and, indeed, would probably entail less paperwork and administrative headaches than our current system. An alternative system, but one which contains the same basic principles, did receive some support from senior level CSC personnel in the 1985 study. In fact, a "demerit system" was the only proposed model, of the eight alternatives to Earned Remission suggested, that was favoured by slightly over half the respondents (53.8%).[77] Essentially, this system would involve "rewarding" good behaviour by the preservation of present eligibility dates but punishing poor behaviour by sliding all eligibility dates (e.g., TA, Day Parole, Full Parole and MS).

In the proposed demerit system, inmates would no longer be penalized by a forfeiture of some of their remission; instead, they would receive demerit points for each disciplinary infraction or offence. Each demerit point would cost a certain time penalty and the more serious the offence committed in prison, the greater the number of demerit points that would be accorded the inmate. A large amount of demerits on an inmate's record would indicate poor institutional behaviour and would result in the

"sliding" of all eligibility dates for conditional release to an even more distant point in time. Inmates with an excessive amount of demerits on their record would probably be rendered ineligible for any type of conditional release.[78]

An absence or a minimum number of demerit points on an inmate's record would indicate good institutional behaviour. The inmate would subsequently be rewarded by the preservation of the normal eligibility time-frames of the various types of conditional release. In the demerit system, each individual case would be assessed periodically by the releasing authority.

Despite the fact that this proposed alternative to our present system was the only model which was supported by over half of the surveyed respondents, it must be kept in mind that at least 46.2% were not in favour of it. Moreover, although a demerit system does avoid the confusion (and hypocrisy) of "earned" remission systems by clearly revealing its punishment character and operationalizing the real purpose of the system (inmate control), it fails to translate into practice what research has identified as the essential principles of an effective punishment or deterrence system.

In order to be effective, the intensity, timing and scheduling of punishment are all important ingredients, as are its predictability, the context in which it occurs and its strength.[79] In prison incentive systems, the application of punishment fails to adhere to these principles just as it fails to adhere to reinforcement principles. To be effective, such systems must employ consequences for misbehaviour which are perceived as both aversive and probable; these consequences must be consistently and quickly forthcoming whenever the misbehaviour occurs. The use of low magnitude punishments which are applied intermittently or at a temporally remote point after the behaviour may fail to extinguish such behaviour and may actually increase its strength. Punishment in a "demerit" system is neither tangible nor immediate. The immediate rewards obtained from misbehaving are probably more reinforcing than mere black marks on an inmate's record for violating the rules. For many inmates, normal eligibility dates for the various forms of conditional

release are probably still too far away in the future to cause great concern about accumulating demerit points. The aversiveness and potency of punishments used in most remission systems, including demerit systems, is exceedingly weak. In Canada's present system, loss of remission as a penalty is but a "paper punishment".[80] An inmate can receive an "unsatisfactory" performance notice on a particular day but this does not necessarily mean that he will lose one or two days remission for his misbehaviour. Even if he is notified by the Earned Remission Board at the end of the month that he has "failed to earn" a certain number of days of remission, it is certainly not an event that is felt immediately.

Inmate Checkers

A variant of the demerit system which received some support in the 1985 survey of senior level CSC personnel was a "differentiated merit system" in which a specified number of merits accrued by an inmate for good behaviour in a maximum security institution would result in his transfer at a certain point to a lower security institution.[81] Merits accrued by an inmate in a lower security institution would bring his eligibility date for conditional release closer in time. This system is somewhat similar to the staging model suggested by the Law Reform Commission in their 1975 working paper, Imprisonment and Release.[82]

Under the proposed Law Reform Commission (L.R.C.) model, offenders sentenced to imprisonment by the court for the purpose of "separation" from the rest of society, would be required to go through various stages. These stages would range from complete custody to progressively greater degrees of freedom until final release under supervision in the community:

> In general, the transition from one stage to another should depend on the absence of criminal conduct and the observance of the conditions of that stage; the decision should not be based on a prediction of risk in the abstract but on conduct.[83]

The L.R.C. staging model shares some features in common with Maconochie's 1840 "Mark System" and Crofton's 1845 "Progressive System". In these systems, inmates were required to work their way through various stages, ranging from strict custody and a hard existence to progressively greater degrees of freedom and privileges. The L.R.C. model, however, does not provide marks or points to inmates for good behaviour and work habits.

Such systems are employed in several U.S. jurisdictions and several shortcomings in them have been reported. An implicit, but seldom recognized, assumption of such systems is that the only factor which needs to be considered in determining security needs for an inmate is his behaviour in a higher-level security setting. Thus, for example, an inmate with a long history of violence or of escape attempts would be transferred to a minimum security simply because he had behaved well during his most recent stay in a higher security unit. The system, in effect gives control of security and classification to the inmate! Undoubtedly, the initiation of such a system would quickly lead to demands for another form of "gating" with all of its attendant problems.

Research on behaviour modification has indicated that the use of staging systems presents major administrative problems when too many inmates earn promotion to a higher stage at a time when there is not enough room to accommodate them there.[84] Moreover, demotion of a poorly behaving inmate to a lower stage has been found to make that inmate a much more serious problem since it not only removes rewards which have been earned for good behaviour, it also removes hope:

> The offender who has been demoted may experience little motivation to regain his lost status. Demotion and despair seem to occur simultaneously. The knowledge that one's gains earned through a great deal of effort can be eradicated by one single act frightens many offenders. They would rather not be promoted so that they might avoid what for them would be certain demotion.[85]

Additional problems can develop if the staging system involves moving inmates from one setting to another as they progress (or regress). Inmates often have a strong aversion to being transferred; each time they must experience another adjustment period, each readjustmet period can engender the very behaviour problems which the system is supposedly designed to prevent. Frequent transfer of inmates, even when it is done in order to solve problems, places considerable strain on a correctional institution. Perhaps it is not surprising that less than half of the senior personnel surveyed in the 1985 study favoured a differentiated merit system.

Anti-Punishment

Many critics of remission systems point out that punishment tends to only "suppress" undesirable behaviour for a period of time, but not to extinguish it altogether.[86] Some note that if the threat of punishment did not deter an offender in the first place from committing the crime he was convicted of, then prolonging this incarcertation by a number of days or weeks may even have less impact on his behaviour.

Others have pointed out that punishment can interfere profoundly and often permanently with a pro-social relationship the offender may have established with the punishing officer and thus make valueless an achievement that may have involved considerable pro-social experimentation on the offender's part and tremendous effort on the staff member's part.[87] Punishment may have an inhibiting effect when the punisher (correctional officer) is at hand, but the effect diminishes in his absence; this constitutes training in avoiding being caught. Punishment involving loss of large portions of remission may leave the prisoner with little motivation to behave well in the future, particularly if, as in Canada, he cannot regain the lost time by subsequent good behaviour. The critics also remind us that because punishment has an immediate (though temporary) suppressing effect on behaviour which is highly reinforcing to the punisher, the use of punishment may become habitual and may become the preferred solution to all problems.[88] Finally, it must be

remembered that punishment, in itself, does not provide information about correct behaviour. Put another way, punishing a behaviour by forfeiting some of an inmate's remission may tell him that what he has done is not right, and that is important, but it does not tell him what is right, and that is equally important.

Perhaps it is appropriate for correctional institutions to use a punishment system which penalizes rule breaking by confining the individual for a specified number of days in the prison. After all, that is what occurs in the broader criminal justice system which is essentially a system of punishment. One should not be surprised to find that prison programs conform to the model. There is an important difference: a prison remission system can be much more severe since it can punish, with imprisonment, acts which would hardly qualify in free society:

> One tends to think of prison officials using good time (remission) to deter and punish serious misbehaviors like stabbing, rape, and arson — all of which are also felony offences under state law. But using good time to deter and punish lesser, nonfelonious behavior — cursing a guard, refusing to work, being in the wrong cell . . . should trouble us.[89]

It needs to be noted that in the twentieth century, wardens and correctional staff, if they cannot use loss of remission, have few other options available for punishing misconduct. Historically, there were innumerable ways of disciplining recalcitrant inmates. Techniques of whipping, flogging, or even transporting inmates to penal colonies were but a few of the sanctions which used to be available to neutralize those who dared to misbehave in prison. Today's wardens not only have very few rewards but equally meagre punishments at their disposal; the "paper punishment" of loss of remission has come to be seen as an essential tool. It also needs to be remembered that punishment may be very effective in halting some of the offender's behaviour, at least temporarily, and in apprising observers of the fact that certain acts sometime have aversive consequences. It may also lead the perpetrator to re-evaluate his behaviour. Thus, although it has many disadvantages, the use or

the threat of loss of remission may have value in engendering institutional control.

Laws for the Lawless

On the other hand, the threat of loss of remission may have value only for those offenders whose behaviour is likely to be constrained by its long-term consequences. Many offenders seldom consider the consequences of their acts. Many underestimate the risks; some are indifferent to the risks; some thrive on them. Many are sublimely optimistic; they believe (not unrealistically) that in prison, as in the free world, they will not be caught. Many find the threat of loss of remission not even mildly aversive. Some offenders think that they are immune from the consequences of their misbehaviour:[90] "they have a delusion of exceptionalistic exemption from the laws of cause and effect".[91]

> One of the most striking things about offenders is that they do not believe that they will ever be caught or brought to justice. Even after going to jail, many believe that they will never be caught again. They have a magical belief in their own cleverness, luck, or whatever they call it. . . . One patient expressed to me his sense of gloating that he got away. I said, somewhat amazed, "but you did not get away, you got arrested several times!" In his mind he had managed to deny the fact of the arrests and dwelt only on the occasions when he had escaped.[92]

The Criminal Code has not controlled such individuals outside the institution; why should we expect it to be able to control them inside? Such offenders are unlikely to be controlled, let alone reformed by the punishment contingencies provided in prison remission schemes. Unlike many offenders who are responsive to the threat of loss of remission, such offenders need special behavioural programs which are much more refined than crude incentive systems; systems which reliably detect and punish acts of misconduct using meaningful and immediate punishments and which reward pro-social behaviours with equal efficiency. Few prison remission systems come close to meeting such requirements.

CONCLUSIONS

Our review of the literature indicates that in spite of the fact that they have been the subject of discussion and the target of controversy throughout the history of corrections, we still know very little about the value of prison incentive systems. They have been used in almost every correctional institution since the early 19th century and we still do not know if they work. We do not even know what form they should take. Almost every correctional institution has its particular version of incentive system and almost no one seems to be convinced that he, or anyone else, has the right form. All have been subject to attack within their own jurisdiction and nowhere does one find more than a small percentage of authorities who feel that their system is adequate, or who agree as to how it should be changed. Their arguments have not and cannot be resolved by objective empirical research because almost none has been conducted.

Although almost everyone objects to many aspects of their own incentive system and to most aspects of the systems of others, almost no one seems to be willing to do without one. An incentive system appears to be viewed almost as a necessary evil. There are many who urge the abolishment of such a system but few who agree on what should replace it; those who feel they need it cannot agree on what "it" should be.

Agreement has not even been reached as to what incentive systems should strive to accomplish. Partly because so many different views of the goals of such systems must be accommodated, partly because corrections has always been unclear as to its general mission, most prison incentive systems have been made to serve (or at least have been touted as serving) too many purposes. As a result, no one seems to be clear as to what their actual objective ought to be. Moreover, the objectives which such systems have come to acquire are often incompatible. It should not be surprising, therefore, that such systems are continually in a precarious position, are continuously being modified and are continuously being criticized. It should also not be surprising

that we do not know whether they are achieving their objectives because we are not sure what those objectives are.

An essential first step in improving incentive systems, or in determining whether they should be abolished, must be to establish and communicate the goals and objectives of the system. This has seldom been done. Instead, attention has been focussed on technological refinements designed to respond to immediate administrative difficulties or legal problems. With the perpetual tinkering that such systems have endured over the years their basic purpose has been even more firmly obfuscated. In reviewing this literature, we were very surprised to find such a variety of systems. In retrospect, we should not have been; as the adage reminds us, "if you don't know where you are going, any path will get you there".

It also must be reported that there is little or no evidence that incentive systems have achieved, or can achieve, any of the goals which they are purported to serve. It certainly seems unlikely that they can serve all or even a sizable portion of those they claim to serve.

Overcrowding and Population Control

There is no convincing evidence that they reduce prison overcrowding. As we have indicated, it is possible that they might do the opposite if judges take into consideration the length of remission and compensate or overcompensate in determining the length of sentences in the first place. Moreover, because they must depend on the behaviour of inmates, correctional managers actually lose some control of the release process. They need such control in order to forecast and respond to overcrowding.

Rehabilitation: Remission Impossible?

Since the time of the first incentive system, an avowed purpose of remission has been to encourage inmate rehabilitation. In 1840, Maconochie

stated that the objective of his Mark System was to "train" (offenders) to return to society, honest, useful and trustworthy members of it, and care must be taken in all its arrangements that this object be kept strictly in view, and that no other be preferred to it".[93] The rhetoric of offender reform has continued in spite of the fact that there is very little evidence or reason to believe that prison incentive systems improve the probability of offender rehabilitation.

In theory, inmates are supposed to grasp the connection between developing pro-social attitudes and behaviour and the benefit of remission. Not surprisingly, inmates often fail to recognize the connection. Most realize that, if they do not misbehave but also do nothing to change or improve themselves, they will obtain about the same amount of remission as those who actively participate in rehabilitative programs or apply themselves diligently to their work.

In order to increase the likelihood that incentive systems could actually contribute to offender rehabilitation, it would be essential that they be based on an appreciation of the fact that there is more to rehabilitation than just not misbehaving in prison. A basic requirement would be that the incentive system be used to reward not just the absence of bad behaviour but the actual acquisition of attitudes, values and behavioural skills (educational, vocational, interpersonal) which are known to be associated with adequate pro-social adaptation and rehabilitation. It would also be necessary to integrate the system with an initial assessment of the inmate's needs and with program plans which are designed to meet these needs. Such an enterprise would require a much more intricate reward system than prison incentive systems provide. There is merit in considering such sophisticated behavioural programs for particularly problematic offenders in small specialized units. However, it is unrealistic to think that such complex systems could be implemented on an institutional-wide basis without an exceptionally large increase in manpower and management resources.

It would be much more sensible to acknowledge that simple incentive systems really cannot contribute very much to inmate reform and stop euphemizing as a rehabilitation mechanism a system which is, in reality, a control mechanism.

Institutional Control

In considering what to do about prison incentive systems, correctional managers must first decide whether they wish to bring their practices into line with their espoused purposes as in the foregoing, or whether they wish to bring the purposes they espouse into line with their actual practices. Those jurisdictions which have chosen the latter route have, in effect, acknowledged that their incentive system is actually only designed to achieve institutional control by punishing misconduct. Having established that as their objective, they are then in a position to ensure that their system is designed to maximize the possibility of achieving that objective.

Although we cannot refer to empirical data to support the assertion, prison incentive systems probably contribute considerably to the institutional control of those offenders who are responsive to the consequences of their behaviour by discouraging them from engaging in misconduct. However, we suspect that they may fail to deter the substantial proportion of the prison population who are not constrained by the long-term consequences of their behaviour either because they do not think of them or because, for them, the rewards of the present outweigh the aversiveness of future events. Such offenders probably require a much more intensive program than can be provided by incentive or demerit programs. Correctional authorities might consider establishing intensive behavioural and other specialized programs for such inmates if they are housed in small units. One of the rewards of successful completion of such programs could be earning the right to re-enter the less rigorous incentive system for the larger population when they can demonstrate that they are capable of handling it.

Return of the Lost

A major shortcoming of many remission systems, including that of Canada, is that once an offender has lost all his remission he may have little concern about misbehaving because he has nothing left to lose. Forfeiture of remission is a two-edged sword; it is not just the inmate who loses when some of his remission is forfeited. Each time a correctional manager removes an inmate's remission, the manager reduces the amount of incentive he has to control the offender in the future. If incentive or remission systems really are intended to encourage offenders to participate in programs and avoid misconduct, correctional officials should seriously consider the policy which has been adopted in many jurisdictions: allowing the inmate by good conduct to regain at least some of his lost remission. Such an arrangement would enable management to regain some incentive for encouraging the inmate's good conduct.

Recredited remission could be a powerful incentive. In fact, the only experimental study we found which demonstrated the effectiveness of any aspect of a remission system, was one in which inmates could earn back lost remission. In 1976, Keltner and Gordon conducted a study in which the return of lost remission was made contingent upon inmates displaying desired behaviour. The target behaviours were the elimination of illicit drug use and violence. Each 24-hour period of abstinence from drugs or free of disciplinary charges was reinforced by a return of one-third of a day of lost remission for up to 30 days. The program produced statistically significant results in reducing both behaviours.[94]

Although we suggest allowing all inmates to earn the return of lost remission, we particularly recommend this strategy for those offenders whose behaviour has been most problematic in the first place. We would recommend that the return of lost remission should be made doubly contingent; the offenders would be required not only to evidence acceptable general conduct and work performance, but also would have to specifically refrain from those

misbehaviours which were the most problematic for them, or for the institution, in the first instance.

Research

We recogize that we cannot offer extensive research support for any of the foregoing conclusions and recommendations; the requisite research simply has not been conducted. Although it would be appropriate to conclude by saying that "we need more research" (any research!) there are three areas of research on remission systems which we feel should have priority:

1. Efficiency and Reliability: Is the system fairly and efficiently operated and managed? Do the reports and ratings of inmates' behaviour accurately and adequately reflect their actual behaviour? Such research requires comparison of such reports with objective and independent measures of behaviour. It also requires establishing performance indicators and efficiency measures. We know of no jurisdiction which has achieved these. We submit that an essential undertaking to ensure the fairness and efficiency of incentive systems is the establishment of guidelines for observing, rating and recording the performance of inmates.

2. Perception of Correctional Officers and Inmates: Much more information needs to be obtained about how incentive systems are viewed by those who are most directly affected by them: those who use them in the hope of controlling inmates and those whom they hope to be controlled by them.

3. Efficacy: Do the incentive systems achieve any of the goals to which they subscribe? Obviously, research on the efficacy of incentive systems cannot be conducted until the purpose of such systems has been adequately conceptualized, their objectives clearly stated and measures established against which their effectiveness in reaching these objectives

might be assessed. That undertaking is without doubt the most pressing and most important need that must be met.

There is one other basic issue which our review of this literature suggests needs to be addressed. The ultimate justification which has been offered for prison incentive systems is that they give prisoners hope. The hope that the possibility of early release provides may sustain some offenders, it may dissuade some from engaging in misconduct and it may encourage some to participate in work and in programs which may contribute to their reform. However, the same remission systems which create hope also foster a less positive state: uncertainty. To date, it has not been determined whether the detrimental effects of uncertainty are outweighed by the beneficial effects of hope.

In recent years, the uncertainty aspect of remission has increased as growing concern for public safety has motivated correctional agencies to refuse to release high-risk offenders even though they have "earned" release under the terms of the system. We suggest that as more and more caution is exercised in releasing offenders who are considered to present serious threats to the community, the uncertainty associated with remission will increase and the strength of the incentive systems will substantially diminish. Accordingly, it may be necessary for correctional managers, who wish to retain an incentive system, to consider other rewards for good behaviour, productivity and program participation.

Our review made it clear to us that the perpetual alterations which remission systems have undergone over the decades reflects not just administrative or technological problems, but a fundamental problem at the conceptual level. Remission systems are based on the rhetoric of offender reform and on the unwarranted, and probably untested and erroneous assumption that by motivating an offender to behave well in prison we gain some assurance that he will behave well after he leaves prison. Based on that assumption, remission systems make an explicit promise to prisoners that as

long as they behave satisfactorily in prison, they will be released early. The system promises prisoners as a reward something which correctional authorities are most reluctant to give: control of their release. The ambivalance of correctional managers about relinquishing their control of release has created problems for incentive systems since their introduction in the sixteenth century and has contributed immeasurably to the precarious position which has always been the lot of such systems. Ambivalence about the appropriateness of the fundamental purpose of such systems has led to decades of controversy about the value of remission systems and to countless attempts to modify such systems to solve the problems they themselves have engendered; attempts which have yet to achieve a solution to these problems.

> No man can put a chain about the ankle of his fellow man without at last finding the other end fastened about his own neck.
>
> F. Douglas, talk at
> Louisville, Kentucky, 1883.

Recommendations

The literature which we have reviewed provides no basis in research to justify firm recommendations about whether correctional jurisdictions should maintain, modify or abolish their remissions systems nor about what form such systems should take.

Our review has made it clear that such decisions require that correctional authorities first determine, articulate and communicate the goals they wish to achieve through a remission system. In so doing they must avoid what has been a fundamental problem with such systems throughout their history: the adoption of too many goals or of goals which are incompatible with each other. They must also be realistic in their expectations of the likely success of remission systems. Most remission systems probably contribute very little to the reduction of overcrowding or to the improvement of inmates'

behaviour, work effort or program participation. They probably contribute even less to their rehabilitation. They may help to make correctional staff feel they have a means of controlling inmates, they may provide inmates with hope and they may discourage some inmates from engaging in misconduct, but they probably do little else.

We recommend that correctional jurisdictions refrain from referring to their remission systems as rehabilitation programs and expecting them to engender lasting behaviour change in offenders unless they are prepared to make major improvements in the systems including the incorporation of behavioural technology to teach specific behaviour skills which are known to be required for successful pro-social adjustment. The financial and administrative costs of such refinements probably preclude their implementation except in small specialized units.

We also recommend that correctional jurisdictions cease euphemizing their systems as incentive systems and acknowledge that they really are disincentive or punishment systems designed for institutional control. Most merely credit inmates for refraining from misconduct rather than rewarding them for good conduct.

Finally, we recommend that correctional jurisdictions which do opt for a remission system give serious consideration to allowing inmates to re-earn previously forfeited remission; doing so is entirely compatible with all the principles which have been said to form the basis of remission systems.

In short, the foregoing recommendations and others which have been made throughout the report are based on the view that an open and honest acknowledgement of the nature and purpose of remission systems and an objective and realistic assessment of their potential value may enable correctional jurisdictions to avoid the persistent arguments about such systems and the endless modifications which have been made in their format throughout their history.

REFERENCES

1. Landreville, P. and P. Carriere. "Release Measures in Canada". In Law Reform Commission's Studies on Imprisonment. Ottawa: Ministry of Supply and Services Canada, 1976.

2. Barry, J.V. "Pioneers in Criminology: Alexander Maconochie (1787-1860)". Criminal Law, Criminology, and Police Science, 1956, 47(2), 145-161.

3. Wines, F.H. Punishment and Reformation. New York: De Capo Press, 1983.

4. Shaw, A.G.L. "Reformatory Aspects of the Transportation of Criminals to Australia". In Norval Morris and Mark Perlman (eds.), Law and Crime: Essays in Honour of St. John Barry. New York, N.Y.: Gordon and Breach, 1972.

5. Barry, J.V. "Pioneers in Criminology: Alexander Maconochie (1787-1860)". Criminal Law, Criminology, and Police Science, 1956, 47(2), 145-161.

6. Murton, T.O. The Dilemma of Prison Reform. New York, N.Y.: Holt, Rinehart and Winston, 1976.

7. Landreville, P. and P. Carriere. "Release Measures in Canada". In Law Reform Commission's Studies on Imprisonment. Ottawa: Ministry of Supply and Services Canada, 1976.

8. Ibid.

9. Ibid.

10. Report of the Royal Commission to Investigate the Penal System of Canada (Archambault). Ottawa: Queen's Printer, 1938.

11. Report of the Committee Appointed to Inquire into the Principles and Procedures Followed in the Remission Service of the Department of Justice of Canada (Fauteux). Ottawa: Queen's Printer, 1956.

12. Landreville, P. and P. Carriere. "Release Measures in Canada". In Law Reform Commission's Studies on Imprisonment. Ottawa: Ministry of Supply and Services Canada, 1976.

13. Report of the Canadian Committee on Corrections (Ouimet). Ottawa: Queen's Printer, March 31, 1969.

14. Solicitor General of Canada. Mandatory Supervision: A Discussion Paper. Ottawa: Report of the Ministry Committee on Mandatory Supervision, 1981.

15. Landreville, P. and P. Carriere. "Release Measures in Canada". In Law Reform Commission's Studies on Imprisonment. Ottawa: Ministry of Supply and Services Canada, 1976.

16. Correctional Services of Canada. Case Management Policy and Procedures Manual. Ottawa: Ministry of the Solicitor General of Canada, 1982.

17. Needham, A.R. Solicitor General's Study of Conditional Release: Report of the Working Group. Ottawa, Ont.: Ministry of Supply and Services Canada, 1981.

18. Correctional Services of Canada. Case Management Policy and Procedures Manual. Ottawa: Ministry of the Solicitor General of Canada, 1982.

19. Galvin, J. "Introduction Special Issue: Prisons and Sentencing Reform: Prison Policy Reform Ten Years Later". Crime and Delinquency, 1983, 29(4), 495-503.

20. Hanrahan, K.J. and A. Greer. "Criminal Code Revision and the Issue of Disparity". In Martin L. Forst (ed.), Sentencing Reform: Experiments in Reducing Disparity. Beverly Hills, Ca.: Sage, 1982.

21. Jacobs, J.B. "Sentencing by Prison Personnel — Good Time". UCLA Law Review, 1982, 30(2), 217-270.

22. Ibid.

23. Parker, D.M. Analysis of Good Time Allowances in Connecticut Correctional Facilities and the Effects on Misdemeanant and Felon Sentences. Hartford, Ct.: Connecticut Department of Correction, 1978.

24. Singer, R.G. and R.C. Hand. "Sentencing Computation — Laws and Practices". Criminal Law Bulletin, 1974, 10(4), 318-347.

25. Ross, R.R. and M.J. Price. "Behaviour Modification in Corrections: Autopsy Before Mortification". International Journal of Criminology & Penology, 1976, 4, 305-315.

26. Cymbalisty, B.Y., Schuck, S.Z. and J.A. Dubeck. "Achievement Level, Institutional Adjustment and Recidivism Among Juvenile Delinquents". Journal of Community Psychology, 1975, 3, 289-294.

27. Koller, K.M. and S.D. Gosden. "Recidivists: The Past and Families Compared with First Time Only Prisoners". Australian & New Zealand Journal of Criminology, 1980, 13, 117-123.

28. Ross, R.R. and H.B. McKay. "Behavioural Approaches to Treatment in Corrections: Requiem for a Panacea". Canadian Journal of Criminology & Corrections, 1978, 20(3), 279-295.

29. Ross, R.R., Gendreau, P. and R. Izzo. "Institutional Misconduct: The Effects of the UVIC Program at Matsqui Penitentiary". Canadian Journal of Criminology, 1985, 27(2), 209-218.

30. Cymbalisty, B.Y., Schuck, S.Z. and J.A. Dubeck. "Achievement Level, Institutional Adjustment and Recidivism Among Juvenile Delinquents". Journal of Community Psychology, 1975, 3, 289-294.

31. Needham, A.R. (Chair). Solicitor General's Study of Conditional Release: Report of the Working Group. Ottawa: Ministry of Supply and Services Canada, 1981.

32. Badovinac, K., Harvey, M. and S. Eastman. Earned Remission: Analysis of Trends and Survey of Opinions. Ottawa: Ministry of the Solicitor General of Canada, 1985 (Working Paper).

33. Ibid.

34. Ibid.

35. New York State Coalition for Criminal Justice. Earned Good Time . . . A Concept Whose Time Has Returned. New York: State Coalition for Criminal Justice, 1982.

36. Needham, A.R. (Chair). Solicitor General's Study of Conditional Release: Report of the Working Group. Ottawa: Ministry of Supply and Services Canada, 1981.

37. Ross, R.R. Prison Guard/ Correctional Officer. Toronto: Butterworths, 1981.

38. Badovinac, K., Harvey, M. and S. Eastman. Earned Remission: Analysis of Trends and Survey of Opinions. Ottawa: Ministry of the Solicitor General of Canada, 1985 (Working Paper).

39. Needham, A.R. (Chair). Solicitor General's Study of Conditional Release: Report of the Working Group. Ottawa: Ministry of Supply and Services Canada, 1981.

40. New York State Coalition for Criminal Justice. Earned Good Time . . . A Concept Whose Time Has Returned. New York: State Coalition for Criminal Justice, 1982.

41. Ibid.

42. Needham, A.R. (Chair). Solicitor General's Study of Conditional Release: Report of the Working Group. Ottawa: Ministry of Supply and Services Canada, 1981.

43. Solicitor General of Canada. Mandatory Supervision: A Discussion Paper. Ottawa: Report of the Ministry Committee on Mandatory Supervision, 1981.

44. Weir, D. Earned Remission and Mandatory Supervision: Some Alternatives. Ottawa: CSC, Ministry of the Solicitor General of Canada, 1985 (Working Paper).

45. Needham, A.R. (Chair). Solicitor General's Study of Conditional Release: Report of the Working Group. Ottawa: Ministry of Supply and Services Canada, 1981.

46. Badovinac, K., Harvey, M. and S. Eastman. Earned Remission: Analysis of Trends and Survey of Opinions. Ottawa: Ministry of the Solicitor General of Canada, 1985 (Working Paper).

47. Ibid.

48. Home Office, England. Prison Statistics: England and Wales. London: Research and Planning Unit, Home Office, 1984.

49. Ross, R.R. and H.B. McKay. "Behavioural Approaches to Treatment in Corrections: Requiem for a Panacea". Canadian Journal of Criminology & Corrections, 1978, 20(3), 279-295.

50. Ross, R.R. and H.B. McKay. "A Study of Institutional Treatment Programs". International Journal of Offender Therapy and Comparative Criminology, 1976, 20(2), 165-173.

51. Gendreau, P. and R.R. Ross. "Correctional Treatment for Effective Intervention". Juvenile and Family Court Journal, 1983, 34, 31-39.

52. Decostanzo, E.T. Earned Time System -- First Annual Evaluation. Atlanta, Ga.: Georgia Department of Offender Rehabilitation, Evaluation, and Monitoring Services, 1977.

53. Decostanzo, G.T., Roche, T. and D. Smith. Earned Time Evaluation Design. Altanta, Ga.: Georgia Department of Offender Rehabilitation, Evaluation, and Monitoring Services, 1977.

54. Nosin, J.A. Earned Time System -- A Performance-based Correctional Management Model. Arlington, Va.: Eric Document Reproductions Service, 1978.

55. Correctional Services of Canada. Case Management Policy and Procedures Manual. Ottawa: Ministry of the Solicitor General of Canada, 1982.

56. Marty Silverstein (National Parole Service, Kingston, Ontario). Personal Communication with the Authors, March 4, 1986.

57. Jesness, C.F. "Comparative Effectiveness of Behavior Modication & Transactional Analysis Programs for Delinquents". Journal of Consulting & Clinical Psychology, 1975, 43, 758-779.

58. Milan, M.A. and J.M. McKee. "The Cellblock Token Economy: Token Reinforcement Procedures in a Maximum Security Correctional Institution for Adult Male Felons". Journal of Applied Behaviour Analysis, 1976, 3 (Fall), 253-275.

59. Milan, M.A., Wood, L.F. and J.M. McKee. "Motivating Academic Achievement in a Cellblock Token Economy: An Elaboration of the Premack Principle". Offender Rehabilitation, 1979, 3(4), 349-361.

60. McGee, R.A. "New Look at Sentencing, Part 2: A Plan for Maximum Justice with Minimum Capriciousness". Federal Probation, 1974, 38(3), 3-11.

61. Geller, E.S., Johnson, D.F., Hamilton, P.H. and T.D. Kennedy. "Behaviour Modification in a Prison: Issues, Problems, and Compromises". Criminal Justice and Behaviour, 1977, 4(1), 11-43.

62. Burchard, J.D. Behavior Modification with Delinquents: Some Unforeseen Contingencies. Paper presented at the American Orthopsychiatric Association Convention, Washington, D.C., 1977.

63. Ross, R.R. and M.J. Price. "Behaviour Modification in Corrections: Autopsy Before Mortification". International Journal of Criminology & Penology, 1976, 4, 305-315.

64. Ross, R.R. and H.B. McKay. "Behavioural Approaches to Treatment in Corrections: Requiem for a Panacea". Canadian Journal of Criminology & Corrections, 1978, 20(3), 279-295.

65. Ross, R.R. and M.J. Price. "Behaviour Modification in Corrections: Autopsy Before Mortification". International Journal of Criminology & Penology, 1976, 4, 305-315.

66. Davidson, W.D. and M.J. Robinson. "Community Psychology and Behavior Modification". Corrective & Social Psychiatry, 1975, 21, 1-12.

67. Ross, R.R., Gendreau, P. and R. Izzo. "Institutional Misconduct: The Effects of the UVIC Program at Matsqui Penitentiary". Canadian Journal of Criminology, 1985, 27(2), 209-218.

68. Ross, R.R. and H.B. McKay. "Behavioural Approaches to Treatment in Corrections: Requiem for a Panacea". Canadian Journal of Criminology & Corrections, 1978, 20(3), 279-295.

69. Ross, R.R. and M.J. Price. "Behaviour Modification in Corrections: Autopsy Before Mortification". International Journal of Criminology & Penology, 1976, 4, 305-315.

70. Ross, R.R. and H.B. McKay. "Behavioural Approaches to Treatment in Corrections: Requiem for a Panacea". Canadian Journal of Criminology & Corrections, 1978, 20(3), 279-295.

71. Ibid.

72. Ross, R.R., Gendreau, P. and R. Izzo. "Institutional Misconduct: The Effects of the UVIC Program at Matsqui Penitentiary". Canadian Journal of Criminology, 1985, 27(2), 209-218.

73. Ross, R.R. an E. Fabiano. Time to Think: A Cognitive Model of Delinquency Prevention and Offender Rehabilitation. Johnson City, Tenn.: Institute of Social Sciences and Arts, 1985.

74. Jesness, C.F. "Comparative Effectiveness of Behavior Modification & Transactional Analysis Programs for Delinquents". Journal of Consulting & Clinical Psychology, 1975, 43, 758-779.

75. Schafer, N.E. "Good Time and Prisoner Misconduct: A Preliminary Examination". In N. Parisi (ed.), Coping With Imprisonment. Beverly Hills, C.A.: Sage, 1982.

76. Clear, T.R., Hewitt, J.D. and R.M. Regoli. "Discretion and the Determinate Sentence: It's Distribution, Control, and Effect on Time Served". Crime and Delinquency, 1978, 24(4), 428-445.

77. Badovinac, K., Harvey, M. and S. Eastman. Earned Remission: Analysis of Trends and Survey of Opinions. Ottawa: Ministry of the Solicitor General of Canada, 1985 (Working Paper).

78. Weir, D. Earned Remission and Mandatory Supervision: Some Alternatives. Ottawa: CSC, Ministry of the Solicitor General of Canada, 1985 (Working Paper).

79. Watson, D.L. and R.G. Tharp. Self-Directed Behavior: Self-Modification for Personal Adjustment. Monterey, Ca.: Brooks/Cole, 1981.

80. Jacobs, J.B. "Sentencing by Prison Personnel — Good Time". UCLA Law Review, 1982, 30(2), 217-270.

81. Badovinac, K., Harvey, M. and S. Eastman. Earned Remission: Analysis of Trends and Survey of Opinions. Ottawa: Ministry of the Solicitor General of Canada, 1985 (Working Paper).

82. Law Reform Commission of Canada. Imprisonment and Release. Ottawa: Information Canada, 1975.

83. Ibid.

84. Ross, R.R. and M.J. Price. "Behaviour Modification in Corrections: Autopsy Before Mortification". International Journal of Criminology & Penology, 1976, 4, 305-315.

85. Ibid.

86. Walters, R.H. and J.E. Grusec. Punishment. San Francisco: Freeman & Co., 1977.

87. Ross, R.R. and M.J. Price. "Behaviour Modification in Corrections: Autopsy Before Mortification". International Journal of Criminology & Penology, 1976, 4, 305-315.

88. Walters, R.H. and J.E. Grusec. Punishment. San Francisco: Freeman & Co., 1977.

89. Jacobs, J.B. "Sentencing by Prison Personnel — Good Time". UCLA Law Review, 1982, 30(2), 217-270.

90. Ross, R.R. and E. Fabiano. Time to Think: A Cognitive Model of Delinquency Prevention and Offender Rehabilitation. Johnson City, Tenn.: Institute of Social Sciences and Arts, 1985.

91. Redl, F. and A. Wideman. Children Who Hate. Glencoe: Free Press, 1951.

92. Schmideberg, M. "Maturation and Integration of the Superego in the Treatment of Delinquents". Archives of Criminal Psychodynamics, 1955, 1, 101-110.

93. Barry, J.V. "Alexander Maconochie: 1787-1860". In Hermann Manneheim (ed.), Pioneers in Criminology. New Jersey: Patterson Smith, 1973.

94. Keltner, A.A. and A. Gordon. "Functional Analysis of a Reinforcer in a Prison Population". Corrective and Social Psychiatry and Journal of Behaviour Technology, Methods and Therapy, 1976, 22(2), 42-44.